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HUMAN RIGHTS:

Continuing the Discussion



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CONTENTS

CONTINUING THE DISCUSSION. Preface	5
I. THE CONTROVERSY ABOUT THE CONCEPT	9
Can There Be Harmony Between the Interests of Society and the Rights of the Individual?	15
Real Exercise of Rights or Declarations of Good Intentions	25
Social and Economic Rights as a Social Reality	33
"Excessive Inequality" and the Reality of Equal Rights	48
Discrimination Against Those Who Hold Certain Views, Opinions, and Convictions—Where Does This Actu- ally Take Place?	59
The "Uselessness of Culture" and the Freedom of Culture	66
Is "Stalinism" Alive?	78
II. THE PRACTICE OF DEMOCRACY IN A DIS- TORTING MIRROR	89
Is There Any Object for Discussion with Dissidents?	89
From Dissent to Opposition	97
Repression for Dissent or Punishment of Crime?	100
When the Cup Runs Over	104
A Mini-Campaign About Defense and Defenders	110
98.4 per cent	113
Ataman Petliura and Human Rights	120
Closed Society—Open Society	141
III. THE RIGHT TO PEACE—THE RIGHT TO LIFE	152
The Five Links	152
Compatibility: Humanitarian Ideals and the Spirit of Peace	166
Safeguarding Peace: Verification and Confidence	168

IV. WHO PROFITS FROM THE HUMAN RIGHTS CAMPAIGN?	172
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Measured Pressure	172
The Fate of Baptized Infants: a Typical Case of Misinformation	174
Cardinal Slipy Blesses Little Matvey	178
Boomerang	180

IN LIEU OF AN AFTERWORD	183
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NOTES	185
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CONTINUING THE DISCUSSION

Preface

Over twenty years ago, in 1958, the delegates to an international Conference of Jurists gathered in the stately halls of the Academy of Sciences of the Polish People's Republic in Warsaw. The meeting, which was conducted within the framework of the UNESCO program for the development of East-West international scientific contacts, brought together a considerable number of participants: one hundred and twelve delegates from twenty-one countries. The Conference attracted attention first of all by its theme: "The Concept of Legality in Socialist Countries."¹

Looking back on the Conference, it is possible to see that it was undoubtedly a turning point in the development of scientific contacts, if only in the effect that it had upon the manner in which discussions of the basic questions of the political system of socialist society were carried out. The Warsaw Conference represented the first calm, businesslike discussion of a theme at the mere mention of which Western authors usually reach for their gloomiest colors.

The collective scholarly efforts of the delegations of the socialist countries at the Conference were directed towards the establishment and development of the thesis that, in the words of the prominent Hungarian jurist and Academician Imre Szabo, "in socialist countries, the substance, essence, and purpose of legality consists in the implementation of the rights and legitimate interests of the citizens".

Among the Western participants in the Warsaw Conference were noted jurists, such as Lord Justice Denning from Great Britain and Marc Ancel, Honorary President of the *Cour de Cassation* and member of the Institute, from France. A large delegation from the USA was present, including people who later played an important role in politics and diplomacy, such as Eugene Rostow and Kingman Brewster. Also present was Zbigniew Brze-

zinski, who at that time had just begun his career at Harvard University.

The position of the Western participants was not uniform, but a desire to overcome the clichés impeding objective perception could clearly be felt. A certain hunger for information was noticeable.

My book on problems of legality had appeared not long before the Warsaw Conference, and it was there that I became directly involved for the first time in discussions of democracy and legality, and more particularly, of one of the key questions in that field: human rights.

Since that time I have frequently had occasion to participate in meetings at which discussions of these questions were conducted. These meetings varied in their goals, in the circle of participants that they included, and in the degree of controversy that they engendered. But the course of these discussions always lay, as it were, between two banks: the bank of reason and the search for truth, and that of confrontation, which was often tangled with the poisoned thorns of psychological warfare. The Soviet jurists and public figures who participated in these discussions strove to dispel the fog of misinformation so that the light of objectivity could shine through to foster mutual understanding.

I have answered questions from journalists on many occasions—at press conferences in Moscow and Brussels, in Copenhagen and Rome, in the House of Journalists in Moscow and in various press clubs, somewhere in the corner of a hotel bar and under the spotlights at the United Nations Press Center. It is unfortunate that far from all of what was said at these encounters about socialist democracy and about human rights in socialist society reached the readers, television viewers, and radio audiences.

My election as an associate member to the International Academy of Comparative Law (The Hague) and professor on the International Faculty for the Teaching of Comparative Law in Strasbourg presented me with the opportunity to give lectures on Soviet law at the regional sessions of the Faculty in a number of university auditoriums that are ordinarily “out of reach” for a Soviet professor.

It is difficult to anticipate all the questions that might be asked. On the other hand, certain typical questions are raised over and over again. The reason for this is easy to see: the mass media in the West persistently inculcate certain clichés in an effort to produce a standardized distortion of the public's notion of socialist society as it exists today.

Psychological barriers also contribute to this distorted perception. One of the participants in the Warsaw Conference, the noted French scholar Claude-Albert Colliard, has written, "The citizens of the Western democracies retain reflexes and mental attitudes that are quite ancient, and that, in the twentieth century, remain unchanged from what they were in the eighteenth." Conceptions based on these ideas do not correspond to the state of affairs in socialist countries or even to the situation in the majority of other countries, but "due to a strange phenomenon, a sort of political hysteresis, they often continue . . . to be part of the standard intellectual structures".

In every one of the discussions and meetings in which I have taken part I have sensed a genuine interest in socialist reality, a desire for information about existing socialism. People want to know the truth about socialist democracy and about human rights in socialist society. The proofs of this are many. It can be seen in the readiness of a tourist in Moscow to devote several hours of his tightly budgeted time to a discussion in the Friendship House. I also witnessed it in the conversations, which continued long after midnight, that I had with inquisitive students at Århus University in Denmark, with students in Coimbra, and in Valparaiso.

We in the Soviet Union are certainly pleased by the marked increase in the interest shown, far beyond the boundaries of our country, in the constitutional bases of the status of the individual in Soviet society since the adoption in 1977 of the new Constitution of the USSR.

The human rights controversy is by no means a mere matter of words, a purely academic clash.

The human rights controversy is also part of the powerful movement for international solidarity with the peoples of those countries where the forces of reaction are crudely violating human rights on a massive scale. This solidarity can take many different

forms of action. One form is the thorough investigation, carried out by international organizations, of the crimes committed by militaristic, fascist regimes. Thus, for example, the International Commission of Enquiry into the Crimes of the Military Junta in Chile proved to be an exceptionally effective instrument. The activities of the International Commission made it possible to save the lives of many Chilean democrats and to prevent the junta from perpetrating a multitude of further crimes.²

In the past several years there has been an escalation of interest in the problem of human rights for a number of reasons, which will be described in detail below. Certain groups have put this increased interest to a peculiar use: using all the tricks of psychological warfare, they have fashioned a political campaign against socialism out of the discussion on human rights. The basic elements of this campaign are misinformation, the distortion of truth, and an attempt to supplant dialogue, disputation, and debate with negative conclusions programed in advance.

This campaign became yet another factor prompting me, for the sake of truth, to write the present work, which continues the discussion and debate.

We, the members of a generation which has experienced the horrors of the bloodiest war in history, the citizens of a country which lost more than twenty million lives in that war, want the youth of today, and the generations to come, to know that the war with fascism was also fought, in the words of the UN Charter, "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small".

I

THE CONTROVERSY ABOUT THE CONCEPT

Professor René Marcic was an original and interesting theoretician of the Neo-Catholic conception of natural law. Until his tragic death several years ago in an airplane crash he lived in the lovely Austrian city of Salzburg. Marcic wrote a good deal about human rights. He believed, however, that pre-eminent among all of man's God-given rights, the culmination of his freedoms, is the freedom to die. Marcic's religio-social pessimism led him to a gloomy, apocalyptic view of the limits of human freedom. "Death, although it is our end, is the meaning of existence," he wrote. Marcic believed that the "culmination, consummation, and end" of life is to be found in the single moment of death. We read in *Man—Law—Cosmos*, the last book Marcic wrote before his death, that the ultimate freedom and ultimate equality of mankind appear in death.³

Of course everybody is equal in the face of death. But why hymn equality in the strains of a requiem? Perhaps there was a time when the thought of equality in death could console the slave who had no rights in life. But people who are truly free strive above all to realize that freedom—and its necessary condition, equality—in life and through life.

First among the rights of man which the official doctrine of the Catholic Church affirms is the "right to life". Many commentators attempt to justify the prohibition of artificial birth control and of the voluntary termination of pregnancy through abortion by attributing absolute rights, above all the right to life, to the unborn.

On May 24, 1978, a Liverpool court heard the suit brought by one Bill Paton against his wife. The plaintiff asked the court to issue a decision requiring his wife to relinquish her intention of having an abortion. Paton based his argument on the "right of the father to protect the rights of his unborn child". The court denied the plaintiff's petition. Thereupon the Society for the

Protection of Unborn Children (7 Tufton Street, Westminster, London) began a campaign whose slogan was "Help the unborn child to obtain legal protection."⁴

It seems to us that there are a number of positions that might be taken on the question of abortion, but to restrict the freedom of a woman to terminate her pregnancy on the basis of the "right to life" of a newly conceived child is, from the point of view of materialist philosophy, unjustifiable.

The noted French dramatist, author of absurdist plays, and member of the Academy of Letters Eugène Ionesco sees the entire question of human rights through the prism of homosexuality. If, in a given country, a man's right to have intimate relations with a member of his own sex is acknowledged, then human rights are respected there. Ionesco regards the negative attitude of Soviet law towards homosexuality as a "violation" of individual freedom. From this point of view the epitome of human rights is the legal recognition of "marriage" between two persons of the same sex.

At the Third International Congress on Sexuality, held in 1978 in Rome, the question as to the degree in which "sexual freedom, like all other freedoms, represents an element of modern democracy" was debated. One of the Italian participants in the Congress argued, moreover, that a number of freedoms, among them sexual freedom, are compromised in "orthodox Communist countries".

Sometimes radical, one might even say extravagant, proposals are made, sincerely and with conviction, that call for a re-examination of the prevailing notions of human rights.

Manfred Siebker of the Federal Republic of Germany, for instance, made the curious suggestion in the *Frankfurter Hefte* that we return to the lost paradise of natural equilibrium by global recognition of the four basic "ecological rights of man".⁵ The system of human rights consists, according to Siebker, of the right to live without work, the right to poverty, the "right to a nonsmokers' section", and the right to truth.

It is obvious that the examples cited above are manifestations of peripheral positions in the controversy about human rights. They represent extreme points of view in the debate as to what constitutes human rights.

These days more and more people are taking an interest in the question of human rights, of the specific content of the legal status of citizens, of the practicability of human rights.

Accelerating social development in various parts of the world is far from uniform since it takes place in diverse socio-political systems. But its overall effect is to bring more and more millions of people into active participation in political life.

The scope of this participation is wide indeed:

- It is the ever deepening process of practical participation by the citizens in every phase of government under socialism;

- It is the social and economic struggle to wrest concessions from the ruling minority, and to defend them once gained, in the conditions of the ever deepening and widening crisis of bourgeois society;

- It is the formation of independent political systems in order to get free of the burden of the legacy of colonialism;

- It is the struggle to win true freedom and democracy, or for national liberation and independence.

All of these factors contribute to the growing interest in questions of the political organization of society, of democracy, of human rights. They also intensify ideological struggle.

The question of human rights occupies an ever more important place in the struggle between two ideologies: Communist and bourgeois.

The development of the prevailing Western conception of human rights, as well as the methods used to argument and propagandize this conception, has been directly influenced by notions that seek to justify the capitalist system and undermine the ideological base of socialism. Consequently the very conception of human rights, as a part of the official political ideology of the bourgeois state, plays a certain ideological role.

Characteristically, the official political ideology of every bourgeois government is making maximal use, these days, of humanistic-sounding slogans, and arguing from the position of maximal respect for human rights.

Given the present political climate, not even the ideology of the extreme right (including the ideology of neo-fascism) can openly advocate a doctrine of anti-humanism and contempt for

human rights. Even the fascist junta in Chile feels obliged to camouflage its extremely anti-humanistic policies, institutionalization of a system of terror and social oppression, and massive open violation of human rights, with sworn protestations of devotion to the ideals of human rights. The high-flown pronouncements of the ideologues for the junta, extolling "freedom" and "equality in dignity" for all, confirm yet again that fascism will not hesitate to resort to demagoguery on any scale whatever. Truly, fascist demagogism knows no bounds. In particular, the draft of a constitution for Chile promulgated by General Augusto Pinochet in September, 1978—a typical specimen of neo-fascist ideology and political adventurism—bears witness to this fact. The draft represents a constitutional scheme for the perpetuation of an extremely reactionary political regime interlarded with pseudo-democratic passages recognizing the existence of "natural rights of the human being, anterior and superior to those of the state".⁶

There is nothing surprising in the fact that the junta declares socialism to be "the spiritual enslavement of man"; this is merely the other side of the same coin, the same propagandistic cliché.

As early as March 11, 1974, in one of its first official "programmatic" documents, the "Declaration of Principles of the Government of Chile", the junta announced that it "respects the Christian conception of man and of society".⁷ The junta also proclaimed itself the most reliable guarantor of Western democracy and civilization. All this against the background of primitive incantations against socialism. Among the latter the pronouncements of the junta's ideologues to the effect that socialism destroys human individuality strikes a peculiarly tragicomic note.

The current human rights controversy reflects a more general controversy, the struggle between the two basic contemporary ideologies. There is no doubt that the course of social development has been increasingly influenced in our times by ideological factors, including this struggle between ideologies. This is an objectively existing tendency. And the ideological struggle itself has a significant influence on the future of nations. The central problem is to prevent the struggle of ideas, of ideologies, from turning into a "cold" or psychological war, to make sure that it

does not interfere with the peaceful coexistence of states with different socio-political systems.

It is necessary to speak of this because the assertion is frequently met that the question of human rights has an "autonomous" meaning, is ideologically neutral, or is not "tied" to philosophical systems and values.

The reader should not be surprised when it is emphasized that the Marxist-Leninist conception of human rights is only part of the general Marxist-Leninist teaching about democracy, personal freedom, socialism, and communism. More general philosophical propositions are reflected in the concept of human rights. It takes concrete form in views on personal freedom, on the system of rights and freedoms of citizens, and on the material premises and legal guarantees of the latter.

There is no reason to pretend that the socialist conception of human rights can be separated from our ideas about society, progress, and the development of socialist society, or from our view of the future of our society.

The idea of a deideologized approach to the problem of human rights was expressed with considerable clarity by Pope John Paul II in an address that he gave in January 1979, during a conference of Latin American bishops in Puebla (Mexico). Having condemned violations of basic human rights as universally tolerated, the Pope declared that "the Church has no need to resort to systems and ideologies in order to love, defend man, and contribute to his liberation". As *Le Monde* commented with a certain degree of surprise: "For John Paul II, human rights are not connected with any ideology."⁸

The history of the political thought of the twentieth century shows that the idea of "extra-ideological" concepts is not new: the demand for "ideological neutrality" for certain political and sociological concepts has been made repeatedly.

But contemporary political thought also confirms that any construction of extra-ideological concepts, given the dynamics of forces in the arena of ideological struggle, is logically and practically bound to be a direct expression of the ideology of historically outmoded, retrograde tendencies. This also holds good as regards the slogan of the "extra-ideological" ideology of human rights.

There is not, and cannot be, a conception of human rights outside ideology, just as there can be no concrete ideology of human rights outside philosophical systems.

It must not be forgotten that the banner of political and ideological neutrality has invariably been used to camouflage the real purpose of various actions cloaked in humanistic slogans about the defense of human rights. The organizers of the noisiest anti-Soviet campaigns have repeatedly attempted to confuse public opinion by pretending that they were pursuing "politically neutral" goals.

These demagogic claims of "political neutrality" for undertakings that are far from neutral have become a sort of cliché. Claude Kelman, acting chairman of the World Conference on Soviet Jewry in Brussels, tried to cover up the true nature of that act of provocation by declaring at a press conference that "the Conference was concerned not with politics but with human rights". In 1977, Carlo Ripa di Meana, one of the organizers of the Venice "Biennale"—a political gamble in vulgar anti-Sovietism—also swore to "ideological neutrality".

It is not without reason that the Danish newspaper *Land og Folk*, in its report on another clumsy attempt at camouflaging the "Sakharov Hearings on Violations of Human Rights in the USSR" in Copenhagen, wrote sarcastically of "neutral anti-Sovietism".⁹

The human rights controversy is not confined to paper and broadcasts—it is a controversy over real phenomena.

"The great selling point of America is 'freedom'. America is a 'free' country; it is part of the 'free world', in contrast to the communist world. But what is really meant by this freedom?" asks Charles Reich in his best-selling book *The Greening of America*.¹⁰ What, in fact, does *that* freedom offer?

In the human rights controversy the real superiority of the socialist socio-political system defeats the arguments of the apologists of the "free world". The essential problem is to understand socialist reality, to evaluate it fully and correctly. For this reason we support open, unprejudiced familiarization with the everyday practice of socialist democracy, and condemn all attempts to spread misinformation, to give a fragmented and distorted picture of the practice of human rights and freedoms under socialism, or to propagate clichés and the lack of objectivity.

Can There Be Harmony Between the Interests of Society and the Rights of the Individual?

"Political freedoms are not recognized in an absolute fashion." Professor Michel Lesage, a French commentator on the Constitution of the USSR, begins his discussion of the scope of the political rights and freedoms of Soviet citizens with these words. Lesage's detailed examination of the 1977 Constitution further remarks that in the Soviet Union certain freedoms are "attached to a finality" or, as we might say, subordinated to a purpose.¹¹

Why not agree with such an assertion? We would do so, were it not for the eagerness of many of our opponents to show that the recognition of a higher good that must not suffer detriment from the free exercise of individual rights encroaches on the interests of the individual, reducing him to a condition in which he is virtually without rights.

What can limit the freedom to exercise one's rights? Only one thing: the interests of the aggregate of citizens, the interests of society. But does this mean that the question comes down to a simple dilemma: either the interests of society or those of the citizen; either the absolute, self-interested exercise of rights or no freedom, no rights?

One frequently occurring argument, which has been echoed and automatically repeated many times, is that the rights of the citizens of the USSR are limited in their very essence by the recognition in principle of the identity of the rights of the individual with the interests of society. Their rights are limited, this argument runs, by the constitutional formula that the "enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state, or infringe the rights of other citizens" (Constitution of the USSR, Article 39).

It has, apparently, become customary for Western authors to offer the argument that this provision of the Constitution of the USSR makes for a considerable gap between the letter of constitutional law in its declaration of the rights of citizens and political reality. This argument, which originated in newspaper commentaries, has found its way into academic treatises that pretend to the respectability of scholarship. In their book *La Constitución Soviética* (1978), the Spanish constitutional experts Jorge de

Esteban and Santiago Varela repeat this standard line of reasoning. They see this "limitation" as part of the question of political rights, and declare that the Constitution itself restricts the exercise of political freedoms with its formula that these rights must be in accord with the "interests of the people" and with the needs of the strengthening and development of the socialist regime.¹²

One detail is particularly revealing. In their very first comments on the draft of the new Soviet Constitution in June 1977, many newspapers juggled the facts in a peculiar manner. *The New York Times*, for example, in quoting Article 39 left off the final words, which specify that citizens' enjoyment of their rights and freedoms must not "infringe the rights of other citizens".¹³

Even the most hostile commentators, of course, found it impossible to dispute such a formula. That would be truly absurd, since the idea that the individual, in the exercise of his rights, must not be allowed to deprive others of their rights originated long before the 1977 Constitution of the USSR. As early as 1789, the *Déclaration des droits de l'homme et du citoyen* declared that freedom must not extend to the right to commit actions harmful to others. The Universal Declaration of Human Rights of 1948 proclaims the basic rights of the individual, but also speaks of the limits on these rights set by duties to the community (Article 29).

Rights and freedoms can be enjoyed only within a concrete social milieu. Freedom is not an abstraction—it does not exist in a social vacuum.

At the World Assembly of Builders of Peace (held in Warsaw, May 6-11, 1977) a French delegate, P. Ravinel, exclaimed in the heat of argument, "Liberty knows no limitations in the name of higher values."

Is this the case? Or are there higher values, in the name of which freedom can be restricted? Yes, such values do exist, and they are universally recognized: peace, self-determination for all peoples, the dignity of man, the interests of society.

Can there be absolute freedom for even the enemies of freedom? No, of course not. Freedom of speech implies no "right" to promote war, aggression, and the arms race, or to spread racism and hatred of other nations. That would be not a right, but,

in essence, a denial of rights; a sort of right in reverse, or anti-right.

Imagine the following situation: counterfeiter defends himself by citing the constitution and claiming that he is merely exercising his freedom to choose his profession. Absurd? Impossible? No, such instances actually occur! In West Germany, for instance, neo-fascist newspapers such as *Nationalzeitung* and the *Deutscher Anzeiger* are protected by the "freedom of the press", and thanks to the "freedom to form political parties" there are nearly 150 active neo-fascist organizations. In the USA, "freedom of assembly" makes possible the gatherings of the National-Socialist White People's Party, and a Federal court in Connecticut declared that the inhuman racist propaganda of that organization is not in violation of the law.

The English are proud of the absolute freedom of speech that Hyde Park orators enjoy in the traditional Speaker's Corner under the Marble Arch. But I was truly sickened when, one Sunday morning in June, 1978, I heard a speaker reviling Black and Yellow immigrants—citizens of the British Commonwealth of Nations—in the best tradition of Goebbels and Rosenberg. And later, when I read in the papers about race riots in London's East End, I thought: Isn't this too high a price to pay for the "freedom" to make the racist speeches that incite such riots?

It would probably seem naive for me, an atheist, to cite in this connection the words of the First Epistle General of Peter (2:16) warning against "using your liberty for a cloak of maliciousness".

The question of the balance of the exercise of freedom with the protection of the interests of society immediately comes to mind when one recalls a shocking case which occurred towards the end of 1978 in France. The magazine *L'Express* published, without any comment whatever, an interview with the former Commissioner on the Jewish Question of the Vichy government Louis Darquier de Pellepoix in which he declared that the nazi extermination of six million Jews was "a fiction, pure and simple".

Darquier, who took refuge in Spain at the end of the war, was condemned to death for his crimes by a French court in 1947. At the trial Darquier's guilt in the deportation of seventy-five thousand Jews, most of whom perished in the gas chambers of Auschwitz, was demonstrated. Thirty years later, Darquier

declared in print that the death of a million persons in Auschwitz alone was "a pure fiction, a Jewish fiction"! In the Auschwitz camp "gas was used, certainly, but against lice, for the disinfestation of clothing". Photos of the nazi extermination camps were called "montages".¹⁴

The remarks of this nazi criminal, published in the name of "freedom of speech", brought a storm of protest from right-minded Frenchmen. Once again the question arose in all its poignancy: How can such abuses of liberty be permitted for the sake of freedom of speech? President of France Valéry Giscard d'Estaing gave this answer: "The freedom of the press must be kept in balance with decency."

But let us return to the text of Article 39 of the Constitution of the USSR. "How are the limits on the exercise of freedom defined?" ask our critics. "Who is to say what will injure the interests of society and the state?" they eagerly inquire.

Georg Brunner, a professor of public law at the University of the City of Würzburg states categorically that: "The general priority of social and state interests means a fundamental depreciation of all basic rights."¹⁵

We can hardly expect, in a polemic with the coiner of such a superficially effective phrase, to plumb the depths of the philosophical meaning of freedom, or even to make a relatively complete examination of the problem of measuring freedom in a politically organized human society. We shall try, however, to make several general points, which we consider basic.

It is well known that Communists speak out unreservedly and uncompromisingly in favor of the triumph of the ideal of freedom. One might say that they are propagandists of the cult of social freedom. That position is part of a philosophy that is dedicated to the building of a society where "the free development of each is the condition for the free development of all". These broad programmatic words, which crowned the *Manifesto of the Communist Party* in 1848, expressed, according to Engels, the basic idea of communism. They are repeated in the 1977 Constitution of the USSR, and represent one of its central ideas.

However, we are against absolute freedom, the freedom to do evil as well as good.

I recall a conversation which I had with an American professor, A. D. of Harvard Law School. (The reader will excuse me for not revealing his name.) A. D. told me that he would soon appear in court as the attorney for the defense in a case in which the owners of a pornography business were accused of using minor children as "models". I asked A. D. what he would use to construct his defense. "The First Amendment to the Constitution of the United States," he answered, "the guarantee of the freedom of the press."

"Does that mean that you understand the word 'freedom' as also implying the freedom to print and distribute pornographic literature?" I inquired.

"Of course! There can be no limitation on the freedom of the press," replied A. D.

In the further course of our conversation it became clear that A. D. was also willing to use the First Amendment to protect racist and neo-nazi propaganda. Thus freedom is seen as an absolute, not to be connected with any moral judgment of what is said, printed, or propagated. We cannot accept such a position!

We proceed from the premise that the concept of measure is to be applied to rights and freedoms, including the freedom of speech and the freedom of the press. Consequently, it is possible to speak of the limitation of "absolute freedom" in the name of higher interests, which are deeply moral in content. This is the idea behind Article 39 of the Constitution of the USSR, and also behind Article 50, which declare that: "*In accordance with the interests of the people and in order to strengthen and develop the socialist system*, citizens of the USSR are guaranteed freedom of speech, of the press, and of assembly, meetings, street processions and demonstrations." [Italics supplied.]

It is true that the Constitution of the USSR, in declaring freedom for the exercise of rights, also sets limits to that freedom. There is no reason to deny this. It would be incorrect to claim that the Soviet government, which interrupts any action directed against it, and in so doing protects the interests of the people as a whole, does not recognize any limitations or bounds to the free exercise of the rights of its citizens.

But Brunner's assertion that this leads to a "depreciation of all basic rights" is fundamentally wrong.

Brunner further maintains that because of the "immanent limitation" of the freedom of Soviet citizens in exercising their rights, expressed in the constitutional provision mentioned above, "the green light is given for arbitrary restriction of basic rights, even to the complete loss of the content of those rights".

But there is neither "depreciation" nor "arbitrary restriction" of rights, primarily for the reason that the criteria for the limitation of rights are clearly and strictly defined, and minimal in scope. Any limitation of freedom (freedom of expression, for example) is based on strict principles defined by law. The Constitution of the USSR forbids the propagandization of war (Article 28). The criminal codes of all the Union Republics recognize as unlawful "propaganda and agitation with the aim of arousing racial or national enmity or discord" (Article 74 of the Criminal Code of the RSFSR, and corresponding articles of the criminal codes of the other Union Republics). It may be added that the printing and distribution of pornographic material is also punishable by law (Article 228 of the Criminal Code of the RSFSR).

Thus the law formulates with complete clarity the limits of freedom of expression in the name of and "in accordance with the interests of the people". The criteria for determining what is beneficial and what is harmful are universally accepted. And the democratic nature of social relations appears in the fact that the ultimate judge of what injures "the interests of society and the state" is not a tsar, a band of oligarchs, or the owners of capital, but the society itself, which follows democratic procedures for the formation of public opinion and an established order for making known the will of the people and for the expression and fixation of that will in law.

Political freedom is manifested and expressed in the guaranteed right to participate in the formation (according to the interest of the majority, the interest of the people) of the state will, which is expressed in laws, and in conscious and voluntary obedience to those laws.

It is for this reason that the opportunity for real participation in the election of representatives to law-making and local government bodies, and the freedom to create public organizations and participate in their activities, to take part in the public discussion of draft laws, to give mandates to people's deputies

to the Soviets, to vote in referendums, to participate as members of the body of workers they belong to in the discussion and administration of state and public affairs and in the management of their enterprise, are all numbered among the manifestations of the political freedom of Soviet citizens. Freedom is also realized in the form of the right to criticize and to make suggestions on matters of government.

The idea that the provisions of Article 39 of the Constitution of the USSR make open criticism impossible appears with some frequency in the Western press. What is the real status of criticism? Once again, Professor Brunner has a ready answer. "Any critique of the existing system," he writes, "remains . . . in the domain of the law of political crime."¹⁶

Let us make clear what kind of "criticism" comes under the law of political crime. It is true that hostile propaganda, calling for the overthrow of the present system, is punishable under criminal law. That crime is known as anti-Soviet agitation and propaganda (Article 7 of the 1958 Law on Criminal Responsibility for Crimes against the State, and Article 70 of the Criminal Code of the RSFSR). According to the law, this crime consists in actions undertaken with the intent of undermining or weakening Soviet power, the commission of especially dangerous crimes against the state, or the spreading of slanderous fabrications discrediting the Soviet state or social system with the same intent. The law, as we see, is directed at premeditated actions carried out with a definite purpose.

But what about critical remarks, critical evaluations, made orally or in print, of actions by government organs, of officials, of measures in the realm of domestic or foreign politics? Can they serve as grounds for prosecution? Of course not.

I shall cite an extremely full, detailed, scholarly work on criminal law and judicial practice: *Kurs sovetskogo ugolovnogo prava* (Course on Soviet Criminal Law), Moscow, 1970. The authors state with all possible clarity (vol. IV, p. 117) the point of view, upheld unanimously in Soviet theory and practice, that "critical evaluation of measures taken by Soviet authorities in the realm of internal or external politics" can in no way become grounds for legal liability.

Criticism is an institution in the USSR, recognized and pro-

tected as socially useful. Article 49 of the Constitution of the USSR states: "Every citizen of the USSR has the right to submit proposals to state bodies and public organizations for improving their activity, and to criticize shortcomings in their work.

"Officials are obliged, within established time-limits, to examine citizens' proposals and requests, to reply to them, and to take appropriate action.

"Persecution for criticism is prohibited. Persons guilty of such persecution shall be called to account."

The suggestions and critical remarks of citizens may deal with any political or economic question. They may be aimed at improving legislation or the everyday performance of government institutions and officials. In this way citizens exercise their right to participate in management and in the monitoring of management.

It is important to emphasize that the government has established procedures for taking action in response to citizens' suggestions, statements, and complaints. In 1969 the Presidium of the Supreme Soviet of the USSR adopted a decree "On Procedure for the Consideration of the Suggestions, Statements, and Complaints of Citizens". In particular, it binds officials to examine complaints within a specified time (not to exceed one month), to make reasonable answers to them, and to take the necessary steps to remove the shortcomings criticized.

This stipulated procedure for the examination of the suggestions, statements, and complaints of citizens is an effective safeguard of the rights of citizens and an important mechanism for the expression of public opinion. Citizens often formulate their critical remarks in letters sent to government organs and public organizations or to newspapers and magazines. Such letters from citizens are an important source of information.

The large volume of letters from citizens, especially to the editors of newspapers, bespeaks an active interest in the removal of shortcomings in order to improve the functioning of the machinery of management. Characteristically, in four months of the discussion of the draft for a new constitution of the USSR more than 3,500 letters were received by the editors of *Pravda* alone.

A number of years ago Soviet jurists used sociological methods,

in particular questionnaires, in an effort to determine what importance local authorities gave to the letters, statements, and complaints of citizens as forms of expression of public opinion. A representative sample showed that 26.8 per cent of those polled gave preference to letters, statements, and complaints from citizens as the most effective form of expression of public opinion.

Other forms mentioned were conversations with citizens in the course of visits to factories, kolkhozes (collective farms), and stores; the general appraisal of electors' mandates; consideration of the materials issued by people's control bodies; and survey of the population by questionnaires.

Criticism is a complex process. It demands a correct reaction from those to whom it is addressed. Leonid Brezhnev has written very cogently and vividly in his memoirs about this problem. In the years following the war he headed the regional organization of the Communist Party in Zaporozhye, and thereafter in Dnepropetrovsk. The basic political and economic task of that time was the rehabilitation of the war-ravaged economy. Here is what Brezhnev writes about his experiences with criticism in *Rebirth*.

"I was a very frequent visitor at the Petrovsky Works (the renowned Petrovka), the biggest in the Region. Sometimes the works management would be expecting the First Secretary of Regional Committee, and would make the suitable preparations. But I would not go to where I had been invited, and where perhaps even the roads had been swept clean; I would turn, for example, to somewhere behind the furnaces, where things were less spick-and-span. My experience as a metallurgist proved useful: in my younger days I had gone up almost the entire ladder—from stoker to engineer—at a similar works.

"This also helped in my relations with the workers. I would talk to one team, then to another, meet hearthmen, melters and rollers, and eat with them at the works canteen. What would never have been spoken in an atmosphere of formality would come out there in all earnest. . . .

"The reader may well ask: it was easy enough to teach others, but how did the author himself accept criticism? I will answer in all honesty: it was hard to take; it probably cannot be otherwise. Criticism is no chocolate to be liked. Only an irresponsible

and shallow-minded person will listen to reproaches with unconcern, laugh them off and immediately put them out of his mind."¹⁷

The development of the political system of the Soviet Union has brought about new categories, new processes, new situations, new social relationships that cannot be confined to the Procrustean bed of traditional Western political science, the basic premises of which are tension, contradiction, and antagonism between the individual and society, between the individual and government. A new interrelationship replaces these tensions when the individual is incorporated (one might say "interwoven") into the social organism as part of its living tissue. This "incorporation" of the individual is a typical manifestation of socialist democracy.

The tension between the individual and society forces liberal bourgeois political scientists to search for means of defense from society, from government, from authority. In the Soviet Union, by contrast, the center of gravity has shifted to active participation, to the involvement of the citizen in the broadest possible range of social and political questions. The goal toward which Soviet society strives is massive, active, practically effective citizen participation in as many areas of the life of society as possible.

Having at his disposal many means and channels for the expression of his opinion, means for participation in the formation of public opinion and in management, the Soviet citizen has ceased to be an isolated, atomistic unit. He has become an organic part of society.

Thus when Professor Brunner says that the priority of social and state interests leads to the complete depreciation of all basic rights, and that this occurs because "the tension between the individual and society is . . . resolved one-sidedly in a collectivist interpretation," his very words demonstrate his lack of understanding of the characteristic categories of socialism.

By expressing public opinion the citizen and the collective bodies of which he is part (the work collective, the trade union, other public organizations, the voting public, organs for independent social action, artistic groups, meetings of citizens at their place of residence, and so on) take part in defining the goals

of social development, in establishing plans, and in evaluating concrete situations connected with the solution of problems of management.

In carrying out these functions the citizen exercises his freedoms: of speech, of assembly, of meetings, of demonstration. These freedoms are a means for participation in the solution of concrete problems of the management of social and government affairs, a means for formulating and expressing the "interests of the people".

The interests of the people are expressed in a complex process having many stages. The interests and needs of classes and social groups (workers, peasants, intelligentsia), of nations and nationalities, and of generations must be considered, weighed, coordinated, and synthesized. The actual practice of social development has confirmed that the optimal political mechanism for the consideration, combination, and coordination of the interests of the different components of society in order to arrive at the expression of the complex interests of the entire Soviet people is the Communist Party of the Soviet Union.

The concept "interests" has more than one level. It implies first of all fundamental, vital interests, strategic or global interests, and together with these private, particular interests. Fundamental interests express those ideas, ideals, and values which permeate the entire political organization of society, the entire political system. Marxism-Leninism, the official ideology of Soviet society, is the expression of the fundamental interests of the Soviet people.

The arguments and facts presented here have, I hope, convinced the reader that harmony between the interests of society and the rights of the individual is possible. Under socialism that harmony has become a reality.

Real Exercise of Rights or Declarations of Good Intentions

The real exercise of human rights under socialism constitutes a most impressive feature of socialist democracy. For this reason it is not surprising that one often sees attempts to belittle the guaranteed rights of the citizen under socialism.

The "counter-attack" takes two basic forms.

The first tries to minimize the real exercise of rights under socialism, or even to deny it.

The second attempts to show theoretically that the demand that rights should be really exercised cannot and should not be applied to human rights. The proclaimed rights of man, this argument goes, are only general aspirations, intentions, the objectives of the social game, and so on.

Demonstrations of the latter sometimes make use of clever, indeed casuistical, constructions. Thus for example an American jurist, Professor Carl Wellman of Washington University in St. Louis, Missouri, tries to separate "legal rights" from "human rights". A legal right, we are informed, is one based on the demands of one individual on another, and gives rise to a legal relationship between individuals. It is defined by law, and has the properties of precision and specificity. Human rights are another matter. Wellman writes that a "practical solution is not possible in the case of human rights".¹⁸

President Carter once spoke of the "historical birthright" that the United States has to proclaim human rights.¹⁹

There is no reason to dispute this claim; neither is there any need to argue about the degree to which the great slogans of the eighteenth century proclaiming liberty, equality, and fraternity were actually insincere and hypocritical, an expression of class consciousness of the bourgeoisie striving for power, or of a utopian faith in the potential of a new order.

But two hundred years of history have shown plainly the depth of the gulf, which is socially determined and therefore impossible to overcome in practice, between slogans and real rights and freedoms in bourgeois society.

The sixty-odd years of the political and social reality of socialism have confirmed that the real exercise of the rights of the citizen is the heart of the socialist conception and practice of human rights.

The socio-political reality of socialist countries has given a definite answer to the "eternal" question of theory and practice in the realization of constitutional provisions. The realization of these provisions is, in the final analysis, a measure and criterion of the workability of a constitution. This measure should be applied to the realm of citizens' rights and freedoms.

The underlying principle of the socialist constitution, and also the quintessence of the concept of human rights (as expressed in the section of the 1977 Constitution of the USSR entitled "The State and the Individual") comes down to this: each constitutional right, each constitutional freedom, must be actually ensured in law and in practice.

Materially guaranteed rights, and the continual improvement of the legal mechanism for ensuring them to citizens, constitute a single organic expression of the reality of human rights in socialist society.

In the modern world the realization and exercise of rights and opportunities in the socio-economic sphere form the basis for the quality of life enjoyed by the citizen in a particular society.

In the case of highly developed capitalist countries, for example the USA, virtually complete commercialization of many basic social services has occurred. This means that a great many people are denied social benefits. A serious illness, therefore, is no longer merely a personal misfortune: it often turns into a financial catastrophe for the entire family.

One evening in a New York hotel I watched a rather uninteresting television program in which an elderly man related the history of misfortunes that had befallen him. His wife's illness shook him most. He informed the viewing audience that his wife was "*expensively ill*". I was struck by the combination of these words. I reflected that a Soviet viewer would have difficulty in understanding what was meant. To the Soviet citizen, who is accustomed to receiving free medical care, to being paid temporary disability during illness, and to having any necessary operation, even the most complicated and unusual, performed without charge, the words "*expensively ill*" would be an incomprehensible anachronism, like something from another era.

Soon afterwards I read in an American journal that in the USA—a wealthy country with first-rate clinics, a developed medical industry, and highly qualified doctors—it is difficult for many citizens to obtain urgently needed medical attention. The cost of medical care is increasing at the rate of 15 per cent a year. The average cost of one day in the hospital reached \$168 in 1978. Furthermore, an official investigation revealed that the

pursuit of profit—the commercialization of medical care—leads doctors to perform approximately two million unnecessary operations each year, at a total cost of some four billion dollars, resulting in 12,000 deaths.

In the Soviet Union, where a developed socialist society has been built, the reality of rights is no longer a merely governmental or legal category: it has become a part of the way of life, a sort of socio-psychological phenomenon. Many Soviet citizens have come to perceive their rights as part of the natural order of things. If one were to work out a scale for the evaluation of the social effect of human rights in the Soviet Union, this integration of the system of rights into the customary way of life would obviously have to be considered as one of the most characteristic indicators of the actual state of affairs in the realm of human rights.

Is such an attitude characteristic only within the sphere of socio-economic rights? The Soviet citizen takes his guaranteed right to work, to education, and to health care for granted, as an accustomed element of everyday life. He very often does not remember that all this is the result of great achievements, of the complicated process of the building of socialism.

But what about the realization of political rights?

There are, in essence, two alternative attitudes that a modern society takes toward the actual realization of the political rights of its citizens: it may be actively interested, or it may be indifferent.

Socialist society is characterized by a high degree of interest in the actual realization of the rights of its citizens. Let us take for example the extremely important, complex right of the citizen to participate in the management of state and public affairs. This right is stated in detailed form in Article 48 of the Constitution of the USSR: "Citizens of the USSR have the right to take part in the management and administration of state and public affairs and in the discussion and adoption of laws and measures of All-Union and local significance.

"This right is ensured by the opportunity to vote and to be elected to Soviets of People's Deputies and other elective state bodies, to take part in nationwide discussions and referendums, in people's control, in the work of state bodies, public organizations,

and local community groups, and in meetings at places of work or residence."

This opportunity for citizen participation in the management of state and public affairs, plus maximal realization of the right to do so, represents the formula for optimal operation of the political system of Soviet society. A genuine, active interest in the realization of this right to participation, and of every political right of the citizen, is rooted in the very nature of socialist democracy and in the demands of its development.

Thus it might be said that human rights in the USSR, including political rights and freedoms, are not a mere "private affair" of the individual. For us the subjective, indifferent approach to rights, based on the principle: "I exercise my rights only if I like," is unacceptable. Of course, no one can be forced to vote, to stand for election, or to take an active part in the discussion and working out of the plan for production and social development in the coming year. There is always an element of free will in the citizen's exercise of his rights. But the exercise of their political rights by citizens is not an indifferent matter from the point of view of society. The freedom of the citizen to exercise his rights is matched by the interest of society in political activity.

In political sociology there has been considerable discussion in the past several years of a symptomatic phenomenon observed in a number of Western countries: "political fatigue". A decline of interest in politics, leading to political passivity, has been observed in a significant portion of the population. Political apathy appears, for example, in the failure of a large number of voters to participate in elections. In such cases the fact that certain rights are fictitious, or that many rights are, to a significant extent, fictitious, since they cannot be realised, is compounded by the actual failure to exercise rights.

In the Soviet Union, political theory and practice take as their point of departure the necessity of providing conditions for the broadest and most constant possible citizen participation in the process of government.

This participation is expressed quantitatively during elections to the Supreme Soviet (the federal parliament, highest body of state authority in the USSR) and to other branches of the representative system, the Soviets of People's Deputies. Thus, 99.99

per cent of the electorate took part in the elections to the Supreme Soviet of the USSR held March 6, 1979; on February 24, 1980, 99.99 per cent of all voters took part in the elections to the Soviets.

The genuine interest of voters is also indicated by the high level of political activity seen during election campaigns in the nomination and discussion of candidates and in participation in voters' meetings. Citizens also take an active part in election commissions, which organize elections, monitor the balloting process, and tally the results. Some nine million persons worked on election commissions during the 1980 elections to the Soviets; during the 1979 elections to the Supreme Soviet 1.6 million representatives of work collectives and public organizations worked on such commissions.

Statistics thus confirm that citizens take part actively and, most importantly, with genuine interest in the election of deputies to representative bodies, and also in the election of judges to the fundamental branch of the judicial system, the local People's Courts.

Election of government bodies is extremely important, but it is not the only element in the relationship between citizens and their representatives. The system of Soviets includes 2.2 million deputies. But another 31 million persons take regular, active part in the work of various organizations for independent social action under the auspices of the Soviets. Persons who are not People's Deputies often participate in the work of the standing commissions of the Soviets, which deal with various matters within the competence of the Soviets including industry, health care, social welfare, youth, and the like. There are 2.6 million such activists.

This massive participation, which at first glance appears to be a quantitative matter, bears witness to the qualitative development of political democracy.

The large-scale discussion of the draft for a new Constitution of the USSR during a four-month period in 1977 once again indicated the extent of citizen interest in political activities. When the Constitutional Commission summed up that discussion, it was calculated that over 140 million persons—over four-fifths of the adult population of the country—had taken part in it. The practical value of the discussion is shown by the fact that

as a result of it approximately 150 additions, corrections, and clarifications, affecting 110 of the 173 articles, were made.

The discussion of the Constitution was a vivid example of nationwide discussion as a form of citizen participation in the management of state affairs. Large-scale discussions have also been held on a number of important legislative acts. For example, the draft of Fundamentals of Labor Legislation for the USSR and the Union Republics was published in newspapers and widely discussed before its adoption by the Supreme Soviet.

The many sides of socialist democracy make it possible for citizens to exercise their political rights and freedoms in a number of ways.

For example, Marie and Pierre Lavigne, noted French professors of law who have seriously studied the system of constitutional law of the USSR for many years, noted in their recent book *Regards sur la Constitution soviétique de 1977* that they were surprised by the large importance given in the 1977 Constitution to work collectives as a political institution.²⁰

In fact, the work collective, in which people who work together are united, is the primary nucleus of the structure of socialism. The work collective includes all the workers of a plant, factory, or other enterprise or institution, and also its administration. Public organizations, such as trade unions and the Komsomol, operate within the framework of the work collective; Communist Party members belong to organizations at their place of work. This organism participates in the decision of questions of the management of the enterprise or institution, first of all in the planning of production and of social development, in the improvement of labor conditions and the services, and also in the use of funds allocated for the development of production, for social and cultural purposes, and for financial incentives.

This is all part of the management of production, of the management of the enterprise as a whole. But the Constitution of the USSR defines the function of the work collective in more detail. Article 8 of the Constitution, which is devoted to the work collective, begins with these words: "Work collectives take part in discussing and deciding state and public affairs." It was the detailed consolidation in the Constitution of the status of the work collective in the political system that surprised Profes-

sors Marie and Pierre Lavigne. They quite correctly characterized the work collective as one of the "fundamental institutional elements of the political system".²¹

There are, of course, established means for the realization of the powers of the work collective. The most important of these are the regular meetings of all the workers and white-collar employees of the enterprise or institution; very large enterprises may hold conferences of the representatives of workers and white-collar employees. Standing Production Committees, to which six million persons are elected (65 per cent of them workers), are active in every enterprise.

Given all this, would it be correct to say that political democracy comes about automatically, that the political rights of citizens are realized, so to speak, spontaneously? No, that would be quite wrong.

On the way to the realization of their rights, citizens may meet with such obstacles as bureaucratic formality and red tape. Although the balance of objective factors is without question in the favor of the citizen, he may have to take action to overcome certain subjective factors in order to actually secure his rights. In 1921 Lenin issued a call for teaching and helping the people "*to fight for their rights according to all the rules of the legitimate fight for rights in the R.S.F.S.R.*".²² The words of Lenin retain their force in our days.

In this connection one should note that the citizens themselves take part in safeguarding their rights (as they do in controlling all the other institutions of socialist democracy).

It is sometimes said that the effectiveness of democratic citizen participation appears in management, planning, and control. In the USSR a unique form of control, which combines government efforts with those of citizens, has taken shape. In industry, in agriculture, in institutions and organizations so-called people's control groups are formed; more than 9.5 million persons are elected to these posts. The Soviets of People's Deputies form People's Control Committees in every Soviet from the regional level on up. Among the functions that the Constitution of the USSR delegates to people's control bodies is the task of combating red tape and bureaucratism in the work of government agencies. These bodies are expected to expose cases of lack of

conscientiousness in officials towards the needs and demands of citizens.

Taken together, all of this bears witness to the efficacy and diversity of form of socialist democracy, which is constantly at work, so to speak, for the everyday, practical realization of the power of the people—democracy in the true and direct sense of the word.

Social and Economic Rights as a Social Reality

A truly radical change in the realm of the legal status of the individual took place when economic, social, and even cultural rights became a social reality. In the USSR, and in the other socialist countries as well, practice has confirmed the unshakable truth of one of the cardinal propositions of the Marxist conception of human rights: socio-economic rights must form the basis for all of the rights and freedoms of the citizen.

Genuine information about the realization of the entire complex of basic social, economic, and cultural rights in socialist society has a galvanizing irreversible effect on the minds of millions of people in capitalist and developing countries; this fact has forced bourgeois politicians and ideologues to acknowledge, however half-heartedly and insincerely, with however many reservations and limitations, the reality of the category of social and economic rights.

Their acknowledgements are, as a rule, accompanied by the argument that social and economic rights have only a relative value, that they are "secondary". A primitive opposition of economic and social rights to civil rights and freedoms is often made. "What is the use of having a right to work unless the right to life is also respected?" Henri Simonet, the Belgian politician who poses this high-sounding question, continues: "An obvious rejoinder is, of course: what is the right to life worth if there is no right to work?" Simonet's conclusion is highly pessimistic: "The dilemma is virtually insoluble."²³

But is it really so insoluble?

It remains insoluble as long as one continues to approach the question of the reality and significance of these two groups of basic rights only by opposing them, by regarding the problem as "either the right to work or the right to life".

The reality of socialism has shown the workability of a different approach: "The right to work for the sake of the right to life, and the right to life for the sake of the right to work." The two groups—social and economic rights, and civil and political rights—are not regarded as an "either/or" alternative, but as mutually conditioned parts of an organic whole.

The weight that Marxist-Leninist theory and the practice of socialist democracy give to socio-economic rights has engendered the unjustified conclusion that Marxists consider those rights as primary, or "higher", and that in socialist countries civil and political rights are thought to be secondary, or "nonessential".

The Western press rather frequently makes allegations like the following: "Yes, social and economic rights are provided for under socialism. But by paying so much attention to those rights the political rights and freedoms of the citizen are denied."

Even some more or less objective analysts of the Soviet literature on the problem of human rights come to the conclusion that legislation in the socialist countries is mainly concerned with ensuring economic and social rights.

The truth is that we consider the firm guarantees of socio-economic rights made by socialism as an absolutely necessary condition for the effective exercise of civil and political rights. Marxist political theory has apparently come to consider as elementary the proposition that the creative public and political activity of the individual is determined first of all by the degree to which the basic components of his material existence are provided for. In order to participate in the management of public and government affairs, it is necessary to be provided with employment, to have access to education, social welfare, health care, and so on.

But if actual provision for socio-economic rights is held to be a necessary condition for the exercise of political and civil rights, this in no way means that the latter are underrated.

Moreover, it is proper to speak of an organic connection, a relation of mutual interdependence, between social, economic, and cultural rights, on the one hand, and civil and political rights, on the other. The conception of socialist democracy emphasizes that all of its various sides are parts of a single whole.

We in the Soviet Union approve enthusiastically the proclama-

tion of social and economic rights in the constitutions of a number of non-socialist countries, especially when this comes about as the result of the unceasing struggle of the working people.

Towards the end of 1978 the Spanish parliament established, and a referendum approved, a new Constitution fixing a system of government and legal forms for the development of the country after the overthrow of Francoism. The Constitution reflects the social and political realities of the country; it created a constitutional structure, supported by all of the main political groups, from the Christian Democrats to the Communists, that makes democratic development and social change possible.

The Spanish Constitution contains many fine and impressive declarations of intention to ensure the "realization of human rights", which are to be interpreted "in accordance with the Universal Declaration of Human Rights", and of aspiration to the goal of a "just economic and social order".

Several of the articles of Title 1, "On Fundamental Rights and Duties", inevitably remind the reader of the pervasive influence of the constitutional development of socialist countries. Many of the positions adopted in the Constitution of the USSR and in the constitutions of other socialist countries have become, in effect, standards for the formulation of the social goals, of the slogans and demands of the masses in the non-socialist world.

Of course it would be hard to compare Article 47 of the Constitution of Spain, proclaiming the right of all Spaniards to "adequate and suitable housing", to Article 44 of the Constitution of the USSR, which ensures the right to housing.

The USSR Constitution states in detail that: "This right is ensured by the development and upkeep of state and socially-owned housing; by assistance for co-operative and individual house building; by fair distribution, under public control, of the housing that becomes available through fulfilment of the programme of building well-appointed dwellings, and by low rents and low charges for utility services."

Every line of this constitutional formula is backed up by enormous achievements. During the Tenth Five-Year Plan period (1976-1980), the capital investment made in housing construction equaled one hundred billion rubles. In 1979 housing units

with a total living space of 112.3 million square meters were built; of these units 85 per cent were apartments built at government expense and distributed to citizens free of charge, another 7 per cent were apartments in cooperative housing units built with the help of long-term government loans, and 8 per cent were private dwellings (mostly in rural areas) financed by grants and other forms of government assistance. In testimony to the huge scale of housing construction one might note that during the current five-year plan period some 50 million citizens will move in to new apartments. Each day during 1979 an average of 6,033 new apartments came into service in the Soviet Union. As for rents, they are the lowest in the world, accounting for 4-5 per cent of the family budget of Soviet citizens.

One can only hope that the provisions of the Constitution of Spain will be a sufficiently effective instrument to "restrain profiteering" (Article 47). It is well known that in the capitalist world rent increases by speculating landlords place a heavy financial burden on an extremely large segment of the population. In a number of West European countries rents for the ten-year period ending in 1978 more than doubled and now account for over 20 per cent of the average family's budget.

Patricia Derian, the United States State Department's coordinator for human rights and humanitarian affairs, expressing the Carter Administration's official conception of human rights, has declared that among those rights is the right to "shelter".²⁴ But the word "shelter" can be interpreted in a number of different ways. It may be used in a vague way in speaking of the luxurious mansions of Beverly Hills, where the stars of Hollywood reside, or of the lovely cottages of the old Quaker elite outside Philadelphia (Pennsylvania) as well as of the slums of the Bowery in New York. In Washington, D.C., the total number of beds in municipal shelters is a mere four hundred. Fifteen hundred persons huddle freezing on the streets of the capital in the cold of winter. In December, 1978, during the days when the thirtieth anniversary of the Universal Declaration of Human Rights was being commemorated in high-flown speeches in Washington, one hundred and fifty poor people forced their way into a hall that had formerly housed an exhibition honoring the bicentennial of the United States of America. They were dis-

covered there by the police and driven back out onto the street. The leaders of this group of homeless people were sent to jail: this was the realization of their "right to shelter".

Homelessness is the antipode of the right to housing. We are far from believing that homelessness is the rule in the West. Of course that is not the case. Neither shall we insist on the homelessness of the 50 thousand persons in the Federal Republic of Germany who (according to an official government report dated August 3, 1976, on "persons experiencing special hardships") have no regular place of residence, and take shelter from the elements in various temporary refuges and in charitable institutions. Meanwhile, according to expert estimates, there are over two hundred thousand vacant apartments in West Germany; the rents for these apartments are beyond the means of those who are without housing. In Great Britain the number of persons without a regular place of residence is one hundred thousand: this is equal to the number of untenanted, overpriced apartments.

There is no point in arguing whether these persons are homeless in the direct or in the figurative sense of the word. Homelessness exists; it is real. It does not even surprise the inhabitants of big cities in a number of developed capitalist countries. During my stay in Paris there were several occasions when, as I walked along the Boulevard Raspail, somewhere near the intersection of Sèvres-Babylon, I passed by hapless people sleeping under a thick covering of newspapers beside the ventilation ducts of the metro. And each time it seemed to me that the Frenchmen walking with me only pretended not to notice anything.

When I remember that, I sometimes recall those few days when I too was, so to speak, homeless. It was during the summer of 1943. I had been seriously wounded, and after the bombardment of frontline hospitals I was sent to a base hospital in Tashkent. The ultraviolet rays of the blazing Central Asian sun helped to heal the wound in surprisingly short order, and the day came when I was discharged from the hospital and demobilized from the army as an invalid. I had no home to which I could return; my home was on the other side of the front lines, where Hitler's forces of occupation were still boss. Or rather, its ashes were there. In fact, I was homeless. Soon afterwards I was accepted into the Tashkent Institute of Law; in

that same year I completed my university education, which had been interrupted by the war. The student dormitory became my home temporarily.

Millions of people in the USSR lost their homes as a result of Hitler's aggression; millions of homes were barbarously burned, blown up or bombed. Before the right of every citizen to housing could be written into the 1977 Constitution the Soviet people had to rebuild their cities and villages, plants and factories, mines and electric stations.

Article 35 of the Constitution of Spain declares that: "All Spaniards have the right and duty of work, and the right to the free choice of their profession or occupation, to deserved advancement in their work, and to compensation adequate to meet their needs and those of their families."

It was my good fortune to be in Spain during the time when the Constitution was discussed and adopted, and to see for myself the resoluteness with which Spanish democrats showed their readiness to defend what they had won, and to stand up for the demands which are written into the Constitution.

I often thought of the constitutional declaration of the right to work as a slogan in the struggle of the working people when I chanced to see groups of unemployed blue- and white-collar workers in the heart of Madrid, where the noisy Calle de Alcalá comes into the square called Puerta del Sol, or where it intersects the busy Gran Vía. They stood alongside large homemade posters calling the attention of passers-by to the plight of families whose breadwinners had lost their jobs and were ready to accept any sort of work they might be offered. Only a few years ago, under Francoism, this kind of "demonstration", even by a single person, would have been unthinkable. But now, in the days of hopes and fears, when a new order is being established and defended, these unemployed men on the streets of Madrid bear witness to the fact that the realization of their right to work is still a mere dream for many Spaniards.

Which brings us back to the problem of the practicability of constitutional formulas. Constitutional demands, however precise in their legal wording or overflowing with humanitarian sentiment, can be shackled by the existing relations and conditions of capitalist society.

We often recalled this in the days when the thirtieth anniversary of the Universal Declaration of Human Rights was being commemorated; it was with a mixture of pride and sorrow that we once more read over Article XXIII of the Declaration, which proclaims the right of every individual to work.

The "right to work" has a long history as a demand and slogan in the struggle of the working people under capitalism. The slogan was created by the German philosopher Johann Gottlieb Fichte on the threshold of the nineteenth century, when the ideology of the bourgeoisie was still sustained by the humanism and enthusiasm of the triumph over feudalism. He tried to derive the right to work from the postulates of natural law, to show that it was an inalienable right, given to man by nature. Fichte's efforts to prove that the right to work was higher than the right to property were particularly striking for that epoch. The French utopian socialist Charles Fourier maintained that if the right to work were not recognized by society, all other human rights would be meaningless.

Frederick Engels was the first to state that the right to work is a demand based on the reality of the class struggle in capitalist society. Although the right to work is useful as a slogan in the struggle, it is senseless to expect its universal realization when the capitalist relations of production prevail. The very existence of these relations depends on the "right" of capitalists to maintain a reserve army of unemployed workers. Thus, despite the fact that the right to work may have found its way into a given constitution, charter, reform program, or manifesto on the triumph of universal prosperity, its non-realization in practice is an objective condition for the existence of capitalism.

There is no doubt that as a slogan the right to work is politically justified, and its even partial acknowledgement represents a concession won from the ruling bourgeoisie. Dialectically, the excessive growth of unemployment (although it continues nevertheless) is not in the interests of the imperialist bourgeoisie, since it may contribute to the destabilization of the capitalist economic system.

The concrete data on unemployment are well known. The cold statistics of the International Labor Organization show the full extent of this tragic phenomenon, which is immanent in the cap-

italist system. The official figures for mid-1978 reported that 17 million persons were unemployed in twenty-four capitalist countries. The number of persons without employment is constantly increasing. The total number of the unemployed in the developed capitalist countries more than doubled in the years from 1970 to 1978. In some West European countries it increased by 400 to 800 per cent. The total number of unemployed persons in Great Britain was 1.6 million; in France, 1.4 million; in West Germany, approximately 1 million. The International Labor Organization predicts further growth of unemployment; by its estimates, the army of the unemployed may number 48 million by 1990.

The findings of social and psychological studies on unemployment are also widely known. Depression and apathy, hopelessness, loss of faith in one's social worth—these are the consequences of unemployment most often mentioned by the authors of specialized works on the subject. The *Gewerkschaftliche Monatshefte*, a trade-union magazine published in West Germany, emphasizes that: "Although the negative economic effects of unemployment appear with great abruptness, the psycho-social consequences experienced by a large fraction of those who lose their jobs are even more grave. The problem grows more acute as the length of the term of unemployment increases. Serious health disturbances, such as insomnia, heart problems due to nervousness, circulatory diseases, and stomach troubles, may result."²⁵

I have had a number of occasions to discuss with foreign colleagues and public figures the question of the right to work, its realization under socialism, and the limited possibilities of realizing the slogan under capitalism.

I spoke of the fact that, under socialism, the right to work has ceased to be a merely subjective right, and has grown into a social reality, an inseparable component of the socialist way of life. We Communists see the right to work as more than a means for securing one's daily bread, more than simply a guaranteed income or a "right to a living". The right to work is a building block in the foundation of the social, and political, status of the citizen. Work also shapes the consciousness, the social and psychological attitude of the individual in Soviet society. To work is to feel oneself a participant in the achievement

of social goals. The guaranteed right to work means certainty in the stability of one's social position.

Our discussions also touched on the problem of unemployment. My opponents frequently alleged that the negative effects of being without work are neutralized by unemployment compensation.

Indeed it is true that the working people of France, after a protracted struggle, won legal recognition of the right of an unemployed person to receive compensation equal to 90 per cent of his former wages. But in fact less than 10 per cent of the unemployed receive such compensation; about half of those without work receive no compensation whatever.

In West Germany unemployment compensation is equal to 68 per cent of wages. But not all of those without jobs receive such compensation. If unemployment continues for more than a year, the maximum compensation is equal to only 58 per cent of former wages. In Great Britain, the term of payment of unemployment compensation is limited to a single year.

As a result of various restrictions and loopholes in the laws that provide for aid to the unemployed, a significant proportion of those who lose their jobs receive no compensation. An impartial survey revealed, for example, that in 1978 six out of ten unemployed persons in West Germany received not a single pfennig in compensation. In the USA only about half of those officially registered as unemployed receive compensation in one form or another.

But the inadequacy of unemployment compensation goes beyond the fact that it is only temporary, and represents only a certain percentage of the lost wages. It entails important socio-psychological consequences. Is it not a fact that drug addiction is increasing among chronically unemployed young people? How can the poison of the realization that one is socially worthless, rejected, be neutralized by unemployment compensation or by Christmas presents collected by the Salvation Army? Not long ago the noted clerical sociologist Northbert Hagedé, a professor at the University of Geneva and the Faculté protestante in Paris, wrote on this subject: "Man has a need to feel that he is needed, and therefore responsible. He cannot be integrated socially unless he knows that others depend on him. The unemployed person may

receive assistance, but he cannot escape from the drama that results from the feeling of being useless."²⁶

The opponents of socialism have sometimes even spoken of the "positive value" of unemployment. Once a certain sociologist, who was visiting Moscow from Hamburg, tried to suggest to me that unemployment represents another possibility to choose one's occupation "freely", and that full employment under socialism means a virtual "lack of freedom".

One can only wonder at these claims that unemployment has a "positive value". Those who repeat such absurdities probably consider their audiences ill-informed; one would think that they themselves are familiar with the many serious studies that have been made in the West of the catastrophic consequences of unemployment.

The right to work means a "lack of freedom", we are told, because it is "sociocentric". It seems that the attitude that work is a socially useful function of the human being deprives him of the right to "socio-economic self-determination". So writes Dr. Henn-Jüri Uibopuu of Salzburg, at any rate. If only the "uselessness" of work could be recognized as the ideal—that would be freedom!

In this connection the testimony of Heinz Oskar Vetter, president of the German Federation of Trade Unions (West Germany), strikes an especially authoritative note: "Even those who are not directly affected by unemployment are drawn into the infernal orbit of this phenomenon. The heightened competition for jobs, the pressure of a 'reserve army' of the unemployed, make it possible for employers to put increased pressure on wages and salaries, and offer them increased opportunities for the disciplining and suppression of employees."²⁷

Vetter returned to the theme of the "pressure of a reserve army of the unemployed" as a factor arousing fear in workers, and undermining their readiness to resist, in his address at the annual congress of trade unions of the Federal Republic of Germany in 1978.

According to Uibopuu "socio-economic self-determination" is also impossible without the right to strike.²⁸ He writes that since neither Soviet constitutional law, nor labor law, nor the statutes of the trade unions contain provision of a right to strike, "socio-

economic self-determination" is not guaranteed in the USSR. And since Uibopuu considers the Soviet "right to work" to correspond to the Western concept of "socio-economic self-determination", the fact that there are no strikes in the USSR implies that there is no right to work.

In effect, this line of reasoning accuses the Soviet Union, because it has no constitutional or other legislative declarations of a right to strike, of violation of the provisions of Article 8 of the International Covenant on Economic, Social and Cultural Rights, under which governments are obliged to guarantee the right to strike so long as strikes are carried out in accordance with the laws of the country.

Let us examine this argument more closely. What is the real meaning of the right to strike? Why is it that strikes are unknown in the social reality of the Soviet Union, and that Soviet legislation contains no provision for them? Is this really a violation of the rights and interests of Soviet white- and blue-collar workers, a breach of the International Covenant, and so on? Or might it be, rather, that to demand the introduction of a right to strike in the USSR is more or less the same as to demand, at any cost, the introduction into the Soviet Union—a country with full employment, and even a shortage of workers—of unemployment?

The right to strike, in the form in which it presently exists in capitalist society, is the result of nearly two centuries of struggle by the proletariat. Much blood was spilled for the sake of winning the right to organized struggle with employers. And yet it was only a change in the balance of forces in favor of the proletariat that led to the acknowledgement of the right to strike.

The recognition of the right to strike in the constitutions of France and Italy adopted after the Second World War marked a great achievement by the working people of the capitalist world. Three decades later, in 1978, the Constitution of Spain (Art. 28) proclaimed the right of workers to strike to protect their interests. This right is also explicitly stated in the legislation of the individual states (Länder) of the Federal Republic of Germany. And this, it seems, completes the "inventory" of constitutional or other legislative declarations of the right to strike in developed capitalist countries. Such a right can only be deduced from general

provisions for the freedom of action of trade-union organizations and from other legislative norms in the majority of capitalist countries, including Great Britain, Japan, Belgium, the Netherlands, and Sweden.

In capitalist countries progressive forces, the vanguard of the working people, must still struggle for the recognition of the right to strike as a manifestation of the fundamental freedom of workers to band together in the refusal to sell their labor in order to apply organized pressure on the owners of businesses, and on government, for the betterment of their social and economic circumstances.

But why not recognize the right to strike under the conditions of socialism?

First of all because strikes, as a means for the resolution of labor conflicts, as a means in the struggle for the improvement of social and economic conditions, are unnecessary under socialism. Workers have at their disposal a diversified and effective system of means for accomplishing these purposes. In essence they are part of the general process of participation by white- and blue-collar workers in the management of production. The right to strike cannot be interpreted abstractly, outside concrete social and economic conditions. This is why Uibopuu is in error when he makes the right to strike into a universal criterion of freedom and a necessary condition for "socio-economic self-determination".

In bourgeois doctrine and judicial practice strikes are seen as a means for "restoring peace in industry through the resolution of labor conflicts". Furthermore, strikes are justified only as a last resort, after all peaceful means of resolving a conflict have been exhausted. This is the sense, for example, of the "pioneering" decision of the Federal Labor Court of the Federal Republic of Germany (April 21, 1971), which established the concept of the "social proportionality" of strikes. It is obvious that the strike as a "last resort" is a conception bound up in the concrete socio-economic conditions of capitalist society.

Thus the assertion of certain Western authors that the right to strike is "denied" in the USSR is pure fraud, an attempt to play on the ignorance of the audience—or perhaps simply a product of the naïveté and ignorance of these authors themselves.

In some reports on the course of the discussion, during the summer of 1977, of the draft of the new Constitution of the USSR readers were informed that: "In the public debate the Soviet people, it appears, have not touched on such questions as the right to strike." The authors somehow saw in this a "limitation" of freedom by the Constitution.

It is true that not one of the 140 million persons (four-fifths of the adult population) who took part in the far-reaching, free, truly creative and democratic discussion of the draft, not one of those who suggested various corrections and additions, thought it necessary to raise the question of the "right to strike". This is witness to the absurdity of the notion of defending the right to strike in the USSR. For the worker in the USSR strikes have been psychologically removed by the reality of socialism to the realm of social anachronisms, along with unemployment and economic crises.

Bourgeois authors seem unable to believe that strikes do not take place in the USSR. "That cannot be," they reason. "Strikes probably happen all the same." This sort of reasoning led the French jurist Patrice Gélard to conclude, on the basis of pure guesswork, that: "A number of spontaneous strikes . . . must have taken place in the USSR during the course of the past several years."²⁹ If there have been no reports of strikes, Gélard's logic runs, then one must at least try to "suppose" that they "must have taken place".

There is, it is true, certain "unique" information, which has been in circulation in the Western press for over fifteen years now, that is offered as showing official recognition of the occurrence of strikes in the USSR. Here are the facts. On February 2, 1962, Radio Moscow, in a Greek language program, broadcast a speech on the rights of Soviet trade unions. It mentioned, in particular, that trade-union bodies have the right to call for a halt in the operation of an enterprise, shop, or production unit if their demands for the observation of worker safety regulations are not met. Two examples of the exercise by trade unions of this right were given in the program. The *Trud* Factory in Gorki and a gypsum processing plant in the Latvian SSR were mentioned as enterprises where, at the demand of a trade union, production had been temporarily suspended. It was further stated

in the broadcast that workers continued to receive their wages while occupational safety defects were being removed.

In what way it was possible for Western commentators to see in these two examples an "official recognition of the occurrence of strikes" remains a mystery. The most incomprehensible part is that, as they parrot this "valuable" information, they continue to repeat the part of the story that says that the workers continued to receive their pay during the stoppage of these enterprises. One might inquire of these commentators where they have seen such a situation: owners, at their own initiative, continue to pay the wages of striking workers. That would be a strange strike indeed! More precisely, it is this detail which reveals an essential point. These actions by trade-union organizations on the administration of enterprises were an example of the practical exercise of the rights and powers work collectives have in management and in the improvement of working conditions in Soviet society. Such occurrences in the USSR are entirely distinct from the forms of struggle to which workers in capitalist countries are forced to resort (even though strikes are inevitably accompanied by loss of wages, and frequently by a catastrophic worsening of the life conditions of workers and their families) in order to win concessions from employers.

But let us return to the more general question of social and economic rights, their recognition, and the degree of their workability and realization in different social systems.

On December 10, 1948, the UN General Assembly adopted the Universal Declaration of Human Rights, and in so doing achieved the goal stated in the UN Charter of fostering international cooperation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". The Universal Declaration was the first in the practice of international relations to enumerate the basic rights and freedoms that human beings should enjoy.

During the writing of the draft, representatives of Western nations strove to limit the Declaration to an affirmation of political and civil rights only.

The position of the Soviet Union and the other socialist countries was based on the premise that full realization of equality

and freedom is possible only after the exploitation of man by man has been eliminated. The Declaration, they maintained, must also express the rights and interests of the working people of the world, who might interpret a declaration of political rights that made no mention of economic and social rights as an affirmation of the unshakability of the system of oppression.

Despite the opposition of capitalist governments, a number of most important social and economic rights, such as the rights to work, to recreation, and to education, were written into the Declaration. They were written in, albeit in a reduced and limited form! This was undoubtedly a concession from those who, at first, had tried to ignore the great changes that had taken place in the world since the October Socialist Revolution shattered the myth of the sacredness and eternity of the right to private, capitalist property. The inclusion into the Universal Declaration of basic social and economic rights was, in essence, an acknowledgement of the important achievements of socialism, an indirect recognition of the socialist conception of human rights. In this way the historic gains made under socialism have directly influenced the formulation of international principles and norms in the realm of human rights.

However, the social realities of the capitalist world, and of the many countries that have only recently become independent, make the realization of the social and economic rights set forth in the Universal Declaration only a goal to strive towards, proclaimed but still far-off.

Many authoritative specialists on human rights gave expert testimony to this fact in the year of the thirtieth anniversary celebration of the Universal Declaration. For example, Karel Vasak, director of the UNESCO's Division of Human Rights and Peace has declared that: "The right to work can mean no more than permission to starve to death if the state does not organize the conditions for its exercise."³⁰ Even more melancholy are the words of Leah Levin, Secretary of the Committee on Human Rights of the United Nations Association of Great Britain and Northern Ireland and author of a UNESCO manual for the teaching of human rights: "For most of the people of the world the majority of economic and social rights remain a dead letter, although this is not their fault."³¹

We the people of the Soviet Union are proud that the social and economic rights of the citizens of our country are real and guaranteed.

“Excessive Inequality” and the Reality of Equal Rights

Throughout the course of mankind's history, the hopes and dreams of humanitarians, their utopias, and their delusions about freedom were invariably connected with the concept of equality. The ascent of the far-off ideal—*Liberté, Egalité, Fraternité*—was long and hard. Steps in that ascent were the abolition of slavery and serfdom, and of the special privileges of the nobility and clergy.

The newly-emerged bourgeoisie, after its victory over feudalism, consecrated the principle of the equality of citizens before the law: “Men are born, and remain, free and equal in their rights.” The Declaration of the Rights of Man and of the Citizen (1789) begins with these words. Slogans about equality and equal justice were carved in stone and cast in bronze. “Equal Justice Under Law” reads the inscription on the pediment of the US Supreme Court building in Washington, D.C.

But the proclamation of equality before the law could not solve the basic problem of social justice. Social and economic inequality took on new proportions. This means that the rights and freedoms of a significant proportion of the population of capitalist countries have a merely formal, and thus hypothetical, character.

Furthermore, this formal recognition of the principle of equality was not universal, a considerable segment of the population continued to suffer under a system of discrimination. Race, national origin, sex, religious and political convictions—in various countries and in various ways, all of these factors continue to be used as criteria in defining, even formally, the scope of the rights and freedoms of the individual.

Such is the social reality of the capitalist world, over which, as before, the banner of fraternity and equality before the law is unfurled. Neither concessions from the ruling elite, nor government measures for social improvement, nor the programs of social reforms, could alter the plight of those who, although formally endowed with equality, are unable to enjoy that equality in fact.

One might refer to the numerous studies by economists and sociologists, analytical surveys, official statistics and declarations that acknowledge the existence of fundamental inequality. Let us use just one of these: the *Constitución Pastoral Gaudium et Spes*, a fundamental document adopted by the Second Vatican Council in 1965. This document, which sets out the official contemporary social doctrine of the Catholic Church, states: "The fundamental equality of all demands an ever greater recognition. . . . The equal dignity of each individual demands . . . a more just social situation."³² The Vatican Council was forced to recognize the existence of "excessive economic and social inequalities". It stated that these excessive inequalities are contrary to the interests of social peace.

Can such gradations as "excessive inequality", complete or partial, conditional or unconditional equality or inequality be used in the characterization of equality? It may be conceded that poverty, in the modern world, is a relative concept. It is sometimes said that a poor person in a rich country is less poor than a poor person in a poor country. The poor in the USA, supposedly, have it better than the poor in Hong Kong. This sort of relativistic approach is, in itself, suspect.

Romesh Chandra, President of the World Peace Council, once recounted having met people in India, his homeland, who had no means even to cremate the remains of their children who had died of hunger. Can there be poverty "poorer" than that?

But what about inequality? Can it be "excessive" or "normal"? No, equality cannot be sufficient or insufficient. It can only be formal or real. The practical recognition by Marxism of the unconditional, absolute nature of equality consists namely in the fact that the slogan of equality was filled with a qualitatively new meaning by the October Revolution, which proclaimed, and the building of socialism in the USSR has brought to life, the slogan: "*Equal opportunities for equal enjoyment of equal rights.*"

The political doctrine and constitutional practice of the USSR have confirmed that the question of genuine equality is a question of what proportion of the population enjoys the full range of rights and freedoms. It is precisely for this reason that in 1977, when the new Constitution of the USSR was written,

discussed, and adopted, Chapter 7, "The Basic Rights, Freedoms, and Duties of Citizens of the USSR," was prefaced by Chapter 6, "Citizenship of the USSR. Equality of Citizens' Rights", in Section II, "The State and the Individual". The principle of equality is expressed in a general form in Article 34: "Citizens of the USSR are equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status.

"The equal rights of citizens of the USSR are guaranteed in all fields of economic, political, social, and cultural life."

Thus equality of rights is constitutionally fixed as a universal and absolute criterion for the fullness of the rights of *all* citizens in *all* areas of life. The Law on USSR Citizenship, which was adopted on December 1, 1978 by the Supreme Soviet as an elaboration of the Constitution of the USSR, is based on the same idea. The Law on Citizenship details the idea of equality in rights, in particular, by corroborating uniform (all-Union) citizenship, and by confirming that "Citizenship in the USSR is an equal right of all Soviet citizens" (Article 1).

The status of citizenship is the legal basis on which the entire complex of basic rights and freedoms is extended to each individual. This matter, it would seem, is elementary and clear. To see this, it is enough simply to examine the text of the law.

But this sort of clarity does not suit the London *Daily Telegraph*, which decided to comment on the Law on Citizenship on December 5, 1978, almost immediately after its adoption. It seems, according to the newspaper, that in the USSR citizenship is "not a right" but a privilege.³³ It is indisputable, however, that citizenship belongs by right to all those "who are citizens of the USSR on the day that this law comes into effect", and to all those who acquire it—first of all in the most natural way: by birth. Where is the privilege in this?

It is no secret that the genuine, ensured equality of rights under socialism is a thorn in the side of many of the overt and covert defenders of the capitalist establishment. Thus it is not surprising that numerous works are printed in the West that try to show that citizens in the USSR do not really enjoy equal rights, that things there are "just the same" as in the West.

By "just the same" it is meant that the same social inequality, the same distance between people in different social strata, exists in the Soviet Union as in the West. This is the line taken by Hermann Oheling Ruiz, associate professor at the Autonomous University of Madrid, in his article "The New Soviet Constitution of October 7, 1977", which appeared in the *Revista de Estudios Políticos*.³⁴ This article cites a certain Professor Murillo, who in turn cites unidentified American and Soviet sociologists who, we are told, acknowledge that an "essential internal inequality" is characteristic in equal measure of Soviet and American society.

Aldo Natoli, a rather well-known Italian political figure, strikes the same note at the beginning of a series of articles on socialism in the Soviet Union which appeared in the pages of *La Repubblica*.³⁵ The first essay deals with a "new inequality" characteristic of Soviet society.

Natoli begins indirectly, as it were. "The expropriation of the means of production in 1917-1918 put an end to private capital and private profits." The hyperbolic distance between billionaires and starving paupers, characteristic of bourgeois society, seems to have been eliminated in post-revolutionary Russia. "What happened then?" inquires Natoli. It seems that simply expropriating the means of production is not sufficient to produce social equality. In the USSR, Natoli continues, a "new inequality" has sprung up, and stratification and privilege have once again taken root.

What caused this "new inequality", this differentiation or "atomization of the working class", as Natoli calls it? The heart of the problem, he says, lies in the fact that under the socialist system labor is compensated according to its quantity and quality. Once put into practice, the principle "to each according to his labor" brought equality to an end, and rank and privilege reappeared, Natoli concludes dejectedly.

Arguments such as these call on us to examine more closely the concepts of equality and equal rights under socialism.

Socialism liquidated the system of exploitation of one individual by another and established collective, socialist ownership—the basis of the economic system of the USSR. Socialism gave all citizens equal rights to the means of production; consequently,

citizens are socially equal, having the same basic rights in the sphere of labor, the same opportunities to show their talents and abilities in industry, science, the arts, and public affairs. There is equality of opportunities for education, professional training, and choice of occupation. All of this constitutes a high level of real social equality; the remaining differences in the social position of individuals depend on a single factor: labor. This is genuine, ensured equality of rights, guaranteed in law by the Constitution of the USSR and the whole system of socialist law.

Material goods are distributed first of all in accordance with the quantity and quality of labor. This is the principal form of socialist distribution. More highly qualified labor is compensated at a correspondingly higher rate. Of course, workers' wages, and the compensation of farm labor stimulate increased productivity. Moreover, wages and incomes are regulated by the government on a planned basis. In this way it is possible to eliminate disparities in citizens' incomes; in particular, this can be accomplished by raising the minimum wage and the wages and salaries of middle-level workers (for example, in the service industries). The consistent efforts made to eliminate significant socio-economic and cultural differences between urban and rural areas are also of major importance.

Natoli would also do well to remember the large and particularly significant role that social consumption funds play in creating the material conditions for the realization of social equality. These funds are used to pay temporary disability allowances and pensions, to provide accommodation at health resorts, holiday homes, and centers for outdoor activities (either for medical or for recreational purposes), and to support child care centers and kindergartens. Free education, stipends for students, and free medical care are financed out of the social consumption funds. They are also used to build housing, schools, medical institutions, civic centers, and other cultural facilities and services; they are employed to build and expand dining-rooms, cafeterias, and snack-bars for workers, and to lower the cost of meals at dining-rooms at factories. These funds finance an ever widening range of social services—new forms of financial assistance to mothers, for example.

The total of payments and benefits received by citizens from

the social consumption funds increases continually. This total was 4.6 billion rubles in 1940, 63.9 billion in 1970 and 95 billion in 1976. For the five-year period 1976 through 1980 a 28-30 per cent increase in payments and benefits from such funds has been provided.

Natoli laments that Soviet society is not "egalitarian", that it shows no egalitarian tendency.

But socialist society, with its genuine equality of rights, is not at all the same thing as a society in which requirements and opportunities are levelled up, in which a primitive egalitarianism is the ideal. We are proud of our increasing material well-being, which results from the growth of the economic potential of Soviet society. But we consider it essential that this growth results from labor, and not from exploitation or from predation in a colonial or neo-colonial form. The socio-economic relations under socialism reject any form of enrichment, collective or individual, that is not based on labor.

We do not, in any degree, deny the institution of personal property, but we demand that it be based on earned income. The Constitution of the USSR (Article 13) states: "The personal property of citizens of the USSR may include articles of everyday use, personal consumption and convenience, the implements and other objects of a small-holding, a house, and earned savings."

Thus, personal property may include a passenger car, but not a freight vehicle; it may also include a motorboat or sailboat, and a trailer for towing such craft. A citizen may own a separate, single-family dwelling, or a country house for relaxation—a *dacha*. Individual builders may also form collectives for the purpose of constructing an apartment house for their own use. The Civil Code of the RSFSR states that a citizen's personal property may include only one dwelling. There is no limit on the ownership of automobiles, however: each member of the family may have a car.

As for freight vehicles, they are simply not sold to private citizens. What about the collective farmer who would like to sell the excess produce from his private garden plot at the Sunday market in town? He may, if he pays the cost of its operation, use one of the kolkhoz's vehicles. In the Latvian SSR two-wheeled

trailers hitched to passenger cars are often used for this purpose. At the market square in Riga, for example, there is a lively trade from both kolkhoz vehicles and private trailers.

Personal property is acquired in accordance with the habits and tastes of the individual. Some like expensive Hi-Fi sound systems, others prefer to travel, while still others collect books on art.

Not long ago a sociological study carried out in Latvia revealed, among other things, the purposes for which village residents intended their savings. Of those polled, 38 per cent planned to use their savings for the purchase of durables, including automobiles and motorcycles; 24 per cent for the construction of homes; 15 per cent for travel, recreation, or sport; and 23 per cent for day-to-day expenses.

Natoli speaks in his essay of privileges; in so doing he uses a variety of expressions and concepts. But he gives no definite indication of what he has in mind, or just where in Soviet society he discerns these "privileges" born of the "new inequality". If he means the prerogatives surrounding the truly privileged segment of our population—our children—then we may for once agree with him completely.

But preference and privilege are not entirely unknown in Soviet law. Thus the Law on Government Pensions and a series of acts supplementing it establish various "privileged" groups to which pensions are paid on preferential terms. For example, although the usual retirement age is sixty years for men, fifty-five for women, workers in numerous categories enjoy the right to begin receiving their pensions before reaching that age. Textile women-workers retire at fifty; for those who work under ground, or in places where extreme heat or other harmful conditions prevail, the age is fifty for men, forty-five for women; women with five or more children have the right to begin receiving pensions at fifty if other provisions do not give them this right still earlier. Persons who combine work with study receive a number of special benefits. For example, students in correspondence courses receive two additional paid leaves each year so that they may take examinations in universities and institutes. Teachers and doctors residing in rural areas receive certain benefits in housing and social services. Doctors, pharmacists, and other medical profes-

sionals who live and work in rural areas or in new industrial settlements receive apartments, heating, and electricity free of charge. They continue to receive these benefits after retirement. Do we have here privileges, prerogatives, special advantages? Yes, of course. But do they violate the principle of equal rights, or represent an expression of "privileges founded on a new inequality"? It is obvious that they do not.

The principle of equality of rights, as applied to certain areas of the life of society, requires additional material and legal guarantees. This holds true especially for the provision of equal rights to men and women. Hardly a single contemporary political figure would deny (aloud, at any rate) that discrimination against women is economically and ideologically unjustifiable. Nonetheless the economic and social reality of the capitalist world is such that discrimination against women in family, professional, and political life continues.

As to the position of women in contemporary Soviet society, we might remark that many of the discriminatory barriers against which the long and bitter struggle is only beginning in the West were overcome long ago. Indeed, they are no longer even remembered. Equal pay for equal work, for example, has become so much the norm in everyday life that information about wage discrimination against women in the developed countries of Western Europe seems like some echo from the distant past. A young Soviet woman, reading that the wages of women in Western Europe are from twenty to forty per cent lower than those of men, finds it difficult even to imagine that such a state of affairs could still exist.

Soviet citizens use other categories in thinking and speaking about equal rights for men and women. The draft of the Constitution presented for general discussion by citizens in the summer of 1977 stated that women's rights are equal to those of men. This wording, based in fact on a psychological structure that takes the legal status of men as a standard, was criticized precisely for that reason. The text of the Constitution that was eventually adopted contains a different wording: "Women and men have equal rights in the USSR" (Article 35). The Constitution further states that the exercise of equal rights is ensured by according women equal access with men to education and profes-

sional training, and equal opportunities in, and remuneration for, employment.

When I took up the theme of women's rights I was overwhelmed by a storm of various associations and recollections. Soviet television, as it happened, had broadcast "The Zatsepin Family" several days before. This play concerns a worker family whose members work at an automobile factory. One of the daughters, a talented and respected engineer, meets a young Army officer who has come to Moscow on leave. Love follows, then marriage, and she moves away with her husband to his duty station in the North. She expects to work there in a ship repair facility, in a job not directly related to her field of specialization. When members of the family express doubts and hesitations because of this she replies, "Being a good wife is a specialization too."

One is inclined to agree. But do contemporary Soviet women see this "specialization" as something incompatible with a working or professional career? No, the great majority of Soviet women is guided by the desire to combine their family and social functions. This fact is confirmed by statistics and sociological probes, and by the prevailing social climate and practice.

The level of professional activity of women in the Soviet Union is the highest in the world. The overwhelming majority of women work. Women account for slightly more than 50 per cent of the total work force of the Soviet Union. This percentage has doubled over the past fifty years, from 24 per cent in 1928 to 51 in 1978. Four-fifths of all working-age women are employed in the various branches of the national economy and culture. This total does not include women students.

Not only the large percentage of women in the work force, but also the character and content of their work is of great importance. A very great number of women perform highly qualified work. In 1977, the number of women specialists with a higher or secondary technical education in the work force was 14.8 million, or 59 per cent of the total number of such specialists. The number of women with a higher or secondary technical education was 98 times greater in 1978 than in 1928.³⁶

Women clearly predominate in certain professions in the USSR. For example, in 1974 the 621,000 women doctors in the Soviet

Union constituted 69 per cent of the country's total number of doctors. Seventy-one per cent of the teachers in daytime general education schools are women.

Probably every one of my readers, at one time or another, has seen photographs in the Western press in which Soviet women are shown removing snow with brooms and shovels in the winter, repairing roads in the summer, or performing other kinds of unskilled labor. And in fact one can see women workers removing snow and ice from the sidewalks of Moscow, although in cities snow is removed mostly by machines, the only feasible way of removing the mass of snow and ice. But the position of women in the Soviet work force as a whole is in no way typified by these women laborers.

When we study the contemporary pattern of the employment of women in industry, we note that the participation of women has greatly increased in those areas on the leading edge of technical progress where highly qualified workers are required. The number of women involved in many kinds of automated work has been growing at an increased rate. Women represent 67 per cent of all workers on automated assembly lines, and 40 per cent of all operators of automatic machines.

Might it be that the high percentage of women working as professionals results chiefly from material considerations? This question was answered most distinctly by a questionnaire survey made by Soviet sociologists. Five per cent of the women surveyed said that they would give up their jobs if their husbands earned as much as the two spouses together were currently paid, or if they had some other source of income. But 95 per cent replied that they would wish to continue working even under such circumstances.

How can a career in industry be combined with the "specialization" of being a good wife and mother? Does some connection exist between them, are they compatible, or does one exclude the other? We may remember in passing the classic formula of German bourgeois philistinism about the place of woman—*Kirche, Küche, Kinder*—which in essence was an expression of the actual social degradation of women.

Two Soviet women sociologists, M. G. Pankratova and Z. A. Yankova, who made a special study of the significant factual

material, came to the following conclusion: "When asked which role they consider more significant for themselves—the rearing of children or a professional career—90 per cent of the women, who represented various social and professional groups and educational backgrounds, answered, 'Both, since they mutually reinforce one another.' They emphasized that working women are more respected by their husbands and children, and take a more active part in making family decisions and in performing educational and organizational functions."³⁷ All this goes to show that the orientation of women toward professional activity does not exclude, but rather supplements, their family functions, and gives them added significance.

The activity of Soviet women in public and political life also bears witness to the enjoyment by women of equal rights under socialism. Thirty-two and one half per cent of the deputies of the Supreme Soviet of the USSR are women. That is ten times the percentage of women members of the United States Congress. The Supreme Soviet of the USSR has more women deputies than all of the parliaments of the capitalist countries combined. In 1980 women deputies made up 35 and 39 per cent, respectively, of the Supreme Soviets of the Union Republics and Autonomous Republics. In early 1979 the French Parliament discussed a draft law that would require all parties to nominate women candidates for 20 per cent of the offices in municipal elections. In 1980 49 per cent of the deputies to the local Soviets of the USSR were women. Among the judges of courts of first instance—the people's courts—are more than 3,000 women; this represents 32.8 per cent of the total number of people's judges (1978). Women compose 52.1 per cent of the people's assessors.

The equal rights of women are guaranteed in practice by an extensive complex of special social measures that provide labor and health protection for women; by providing conditions enabling mothers to work; and by legal protection of, and material and moral support for, mothers and children. Paid leave is granted to women for 56 days before, and 56 days after, childbirth; mothers may, at their own discretion, take a full year's leave without pay after childbirth. Over twelve million children are enrolled in kindergartens and child care centers.

Do Soviet women have any specific areas of concern? Yes, of course. There is discussion, for example, of how soon a full year of partially paid maternity leave will be provided for them. Women are interested in the prospects for the gradual reduction of working time for mothers with small children. They debate the questions of increasing the number of special holiday homes for family recreation, of improving the operation of the service industry, of enlarging the assortment of semi-prepared foodstuffs offered for sale, etc.

There are special standing commissions for the improvement of working and living conditions of women in the Supreme Soviet of the USSR, the Supreme Soviets of the Union Republics and Autonomous Republics, and the Soviets of People's Deputies in Territories and Regions. The USSR has over 50 scientific institutes for research in labor hygiene and labor protection, pediatrics, obstetrics, and gynecology that make special investigations connected with the improvement of working conditions for women and the protection of their health.

Discrimination Against Those Who Hold Certain Views, Opinions, and Convictions—Where Does This Actually Take Place?

Discrimination is the antipode of equal rights. In our times discrimination is rarely officially acknowledged or fixed in laws. Everyone recognizes the apartheid system as a direct, overt form of racial discrimination. Discrimination on the basis of race, of skin color or ethnic origin, represents an infringement of human dignity, and is condemned as a violation of human rights and basic freedoms. In our times this kind of discrimination is seen as a social and historical anomaly. Nevertheless it exists, and is backed up by all the punitive might of the South African government, despite opprobrium, despite boycotts, embargoes, and all the other measures adopted by the United Nations.

Discrimination as a political institution is decidedly out of style, however. Anti-discrimination declarations are the rule in contemporary constitutional law.

But how are things in life, in political and social reality?

Violations of anti-discrimination declarations, non-recognition in practice of the idea of equality, and flouting of citizens' right to equality nullifies, in fact, a broad spectrum of legal guarantees, and voids many constitutional declarations. This holds true of concrete rights and freedoms, from the freedoms of speech, of thought, opinions, convictions, and views to the right to work, to employment in accordance with one's qualifications and free choice.

The Constitution of the Federal Republic of Germany, for instance, contains a high-flown anti-discrimination declaration: "No one may be prejudiced or privileged because of his . . . faith or his religion and political opinions" (Article 3, paragraph 3).

But does a postal carrier in that country have the right to study Marxism?

Does Elisabeth Adler of Oldenburg (Adlerstrasse 3), the daughter of a Bremen pastor and herself a believing Lutheran, have the right to seek work as a teacher in a school in Lower Saxony after having signed, in 1975, an appeal of the German Peace Union "On the Thirtieth Anniversary of Liberation from Fascism and War"?³⁸

Can Rudi Röder of Würzburg continue to work as a senior locomotive engineer if he is a member of the German Communist Party?

And what about Gerhard Schmidt, an Augsburg teacher (who had "not yet been a member of the German Communist Party"), whose dossier notes that in 1968 he marched in a demonstration that chanted "Ho Chi Minh, Ho Chi Minh"?

Can a Communist be employed as a gardener at a city cemetery? As a life guard at a municipal swimming pool? As a doctor, a nurse, an engineer, a technician?

Each of these questions has two possible answers.

The first possible answer is that according to the Constitution of the Federal Republic of Germany they all have an unquestionable right to work, to seek work, or to continue work.

In place of the second possible answer let us present an extract from an interview with Federal Minister Gscheidle by *Stern* (June 15, 1978):

Stern: "Would you say that a Communist cannot work as a postal carrier in the Federal Republic of Germany?"

Gscheidle: If he is active in the Communist Party of Germany, he can not.

Stern: And why not?

Gscheidle: Because a postal carrier is, without question, an employee in a sensitive area, from the point of view of security."³⁹

Here we see a system of *Berufsverbot* (ban on professions) in operation. When persons are dismissed from or not admitted to, government work because their views do not conform to the prevailing norms of loyalty, this constitutes an institutionalized system of discrimination against citizens on the basis of their political opinions and convictions.

January 1980 marked the eighth anniversary of this system of professional discrimination against "radical elements", which the "joint resolution of the Prime Ministers of the governments of Länder and of the Federal Chancellor" of January 28, 1972, extended to posts in the civil service of the Federal Republic and of each of the Länder. In all, one-fifth of the salaried workers in the Federal Republic of Germany was subjected to this verification of convictions.

For eight years numerous democratic elements in the Federal Republic have protested vigorously against the *Berufsverbot* system. They have the sympathy and support of honest people outside West Germany as well. *Berufsverbot* has become a synonym for anti-constitutional discrimination against people who speak out, from their democratic convictions, against reaction, militarism, and revanchism; the word is no longer translated into other languages.

What are the criteria used in determining the loyalty of civil service workers and candidates for civil service jobs? It is possible, to a certain degree, to get an idea of them from the records of examinations to determine loyalty.

Let us acquaint ourselves with extracts from the records of several typical examinations:⁴⁰

First extract—from the case of Monika Ernst (Münster), a teacher.

Regierungspräsident: Is it true, that you accepted responsibility for a leaflet in favour of the ratification of the Moscow treaty, in the beginning of 1971?

Monika Ernst: Indeed, that is true.

Regierungspräsident: Did you publish a documentary on the "International Day of Solidarity with the Peoples of Indochina" at the end of 1971?

Monika Ernst: Yes, I did.

(As a result of this hearing Monika Ernst was, in 1974, forbidden to teach in schools.)

Second extract—from the case of Manfred Lehner, a teacher. The officials questioning him were Misters Herzer and Kluger, and Ms. Rist.

Herr Kluger: But the Hessian Institute for Research into Peace and Conflict is obviously infiltrated by Marxists. What do you actually know about Marxism?

Manfred Lehner: As far as I am aware the Hessian Institute is supported by the provincial state funds. For me Marxism is a scientific theory.

Frau Rist: I don't understand you Herr Lehner. You are informed that the Hessian Institute is infiltrated by Marxists and then you describe Marxism as a scientific theory. At the mere idea of Marxism cold shudders run down my spine.

(On September 27, 1976, as a result of the answers he gave during this examination, Manfred Lehner was deprived of the right to teach.)

Third extract—from the case of Gerhard Bitterwolf (Nuremberg), a teacher. Hearing of November 7, 1978. The official questioning him was Regierungsdirektor Richter.

Question: Mr. Bitterwolf, are you president of the German Peace Union in Bavaria, and a member of the federal board of that organization?

Answer: I consider questions concerning membership and office holding in legal organizations to be inadmissible. However, since I am forced to answer ... to the question, I answer in the affirmative. ...

Question: Mr. Bitterwolf, during the Conference on Educational Policies held on June 21, 1975 in Nuremberg, which was organized by the German Peace Union of Northern Bavaria, you presented papers entitled "Peace as a Constitutional Demand", "Inclusion of Themes such as Peaceful Coexistence, Security and Disarmament, and Defense in Curricula", and "The Mean-

ing of the Conference on Security and Cooperation in Europe for the Further Development of the Educational System". Do you still hold the views you held at that time?

Answer: Yes, I presented a series of articles and talks on certain questions of education for peace. . . .

(Gerhard Bitterwolf was deprived of the right to teach.)

It would be possible to go on citing this kind of evidence to the spiritual bankruptcy of these modern-day inquisitors. But it seems there is no need to do so: it is perfectly clear that the criteria used to define disloyalty are convictions, ideas, and opinions, rather than illegal actions. It is precisely convictions, ideas, and opinions that serve as the basis for discrimination.

Even the 1977 Convention of the ruling Social Democratic Party of the Federal Republic of Germany was forced to note with "alarm" that "candidates for civil service posts have on many occasions been turned down on the basis not of concrete actions, but of political convictions".

It is natural, therefore, that all-out investigation of the individual's convictions is an element in the *Berufsverbot* system. The "NADYS" system for centralized electronic processing of reports from informers represents a refinement on the basis of modern scientific and technical advances of the notorious methods of the state secret police. A bitter irony sounded in the words of one of my friends, a noted anti-fascist and the son of a Hamburg anti-fascist who was killed by the nazis, when he spoke of the gathering of information by this secret political police force (the "Service for the Protection of the Constitution") on 1.3 million citizens of the Federal Republic of Germany: "Truly, this is the belated revenge of Hitler's imperial security force."

This gathering, registration, and classification of secret information under the conditions of an all-encompassing covert police surveillance creates an atmosphere in which schoolchildren, students, and young working people soon come to understand that there are some things about which they must speak for all to hear, and others about which they must keep silent. Is this not the way to form a generation of silent supporters of a system that denies the ideals and practice of democracy? Is this not the way to cultivate an atmosphere of anti-democratic conformism?

If in the context of this discussion of equal rights we have

dwelled on an example of overt political discrimination it is not at all merely due to our desire to call attention to this instance of the denial of constitutional declarations of equality and the equal enjoyment of rights.

This system of political discrimination is found in a country that Western political commentators have long cited as a model of a political system embodying, as we were told, social justice and the rule of law. (The authors of the Constitution of the Federal Republic of Germany even introduced a special new term: "*Sozialer Rechtsstaat*", socio-legal government). And this system of discrimination is a typical example of the way in which impressive and liberal-sounding constitutional declarations are abrogated as soon as citizens make a serious, large-scale attempt to actually use their proclaimed rights and freedoms, as soon as people of democratic convictions, anti-fascists, Communists, persistent opponents of revanchism and militarism, and true friends of social progress come forward to claim their rights.

I have had occasion to hear speeches by men and women who were victims of the *Berufsverbot*, and to talk with many of them. It was always incomprehensible to me that among the objects of political discrimination in our days there should be so many convinced and active anti-fascists, so many proponents of peace.

Silvia Gingold, a fragile thirty-year-old woman, a teacher from Hessen, has become a sort of symbol in West Germany and in many other countries as well. She is the daughter and granddaughter of anti-fascist Jews who suffered persecution at the hands of the nazis. Today she has become a victim of political discrimination. It is not without reason that the International Federation of Resistance Movements called the act of depriving Silvia Gingold of her right to teach "a challenge to all of the resistance fighters in Europe".

I was introduced to Silvia Gingold by Helmut Stein, a jurist from Hamburg. This learned law student, deeply convinced anti-fascist, and staunch democrat has been denied access to judicial positions in the Federal Republic of Germany. This was done under the pretext that the execution of his anti-fascist father by the nazis might have given him a "revenge complex". What shall we call it—hypocrisy, deceit, or a jesuitical mockery — this denial of the sense of justice in those in whose hearts and

minds enormous crimes against humanity lit a flame of respect for human dignity and an uncompromising will to fight for the triumph of justice and humanism?

Of course, this sort of jesuitry might be expected if the immediate participants in the realization of the *Berufsverbot* system, the inquisitors who sit in judgment of anti-fascists, are people who now occupy high posts in the judicial hierarchy but were formerly active and notorious nazis. Is it not paradoxical that the decision of the highest instance of administrative justice—the Federal Administrative Court—in the case of the teacher Anne Lenhart (April 23, 1975), which set the precedent for the whole system of administrative courts, and became a standard for the expulsion of active democrats from the civil service, was brought in by Federal Judge de Chapeaurouge? The same de Chapeaurouge who in the 1930s was notorious in Hamburg, Helmut Stein's home town, for his participation in passing verdicts on those who "defiled the Aryan race"? And what of Professor Willi Geiger, member of the Federal Constitutional Court? This advocate of, and learned commentator on, the "Nuremberg Laws"—acts which are the highest manifestations of racist fanaticism—a former nazi judge and investigating magistrate for the "Extraordinary National-Socialist Court", participated, in 1975, in the review of complaints that the *Berufsverbot* system is unconstitutional. Then there is Federal Judge Rudolf Weber-Lortsch, former boss of the SS and police in the occupied Soviet city of Nikolayev and high-ranking official in the Reichskommissariat of Norway.⁴¹

But no matter how frantic the efforts of "true defenders of the Federal Constitution" such as Chapeaurouge and Geiger, opposition to this system of political discrimination is growing every day in the Federal Republic. It is including new groups of citizens, and becoming more organized. The 350 local organizations already banded together under the slogan "Down with the *Berufsverbot*" include "Social Democrats and Liberals, trade-union activists and members of the intelligentsia, Christians and pacifists, as well as Communists", as we were told by Ingrid Kurz, a courageous university teacher from Hamburg and a member of the Federal Citizens' Initiative Group Against Political Discrimination.

The *Berufsverbot* system arouses increasing indignation. Under pressure from rank and file members the leaderships of the Social Democratic and of the Free Democratic parties have been forced to condemn the practice of discrimination against citizens. As recently as 1978 the Free Democratic Party Convention demanded the unconditional termination of this system of forbidding radical citizens from practicing professions. A number of prominent figures in each of the parties of the ruling coalition have come forward to condemn the *Berufsverbot*.

The *Berufsverbot* system is condemned by trade unions. Sharp words are written into resolutions at the conferences of the trade unions of the Länder, into the decisions of the individual unions. In May 1976 the Tenth Congress of the German Federation of Trade Unions in Hamburg held up for shame "this all-encompassing witch hunt".

The protests of the clergy also intensify. In December 1978 the pastors of two hundred parishes in the Rhine and Westphalia areas protested in an open letter against this "curtailment of the freedoms" of their fellow citizens, and warned of the dangers with which the *Berufsverbot* system threatens society as a whole.

But the spider's web of political snooping envelops more and more citizens.

The "Uselessness of Culture" and the Freedom of Culture

Should culture serve positive goals? Are art, literature, the fruits of creative genius, and the material products of human activity useful?

These questions would seem to be naive, even primitive.

But all the same—how shall we answer them? Does there exist some connection between free creative activity, free culture, and the overall positive goals and aspirations of humanity; between the culture of the spirit and the progress of society?

Maybe this will answer these questions: anyone who saw the ruins of the cathedral at Coventry, or of the beautiful architectural monuments of old Warsaw, which were methodically blown up by the nazis, or who saw the palace ensemble Petrodvoretz outside Leningrad turned into a stable by Hitler's occupation forces, will

answer, without having to stop to think, that culture, its creations, and its values are not created, do not exist, do not live, in a vacuum. There is a direct connection between culture and positive values, culture and progress. And the expression of the usefulness of culture lies in this fact.

Whoever defends progress, defends culture.

Whoever defends culture, defends progress.

A group of French and French-speaking intellectuals, who decided, in early 1978, to form a committee for the "salvation" of Europe and of European culture, gave a completely different answer to all of these questions.

On January 27, 1978, when readers of *Le Monde* turned to page 13 they found a "Manifesto", printed as a full-page, paid advertisement, from a newly-created "Committee of Intellectuals" speaking out for "a Europe of freedoms".⁴²

The "Manifesto", which appeared under the trumpeting slogan "Culture against Totalitarianism", is replete with declarations and theses which, taken together, are meant to create the impression that these jealous defenders of culture are absolutely independent, "free from any allegiance whatsoever".

"Culture, as such, is accountable before no one and nothing," proclaim the authors of the "Manifesto". These advocates of culture for culture's sake, of culture to which the category of usefulness is not applicable, go on to state: "One ought to protest against the subordination of culture, in even the slightest degree, to the principle of usefulness or to any orientation towards a final goal." But the authors of the "Manifesto", in their attempt to draw the reader into labyrinths of false logic, go yet further. Not only should culture not be useful but, we are told, "Culture can build only by destroying; any idea about a final goal is fatal for it"!

It would seem that here the authors of the "Manifesto" clearly enter the realm of irresponsibility and oblivion—that they are oblivious, at any rate, of the destruction, the fatal destruction, that fascism, or even simply the threat, the danger of fascism, brings down on culture, civilization, and humanity.

But fascism destroys culture because it hates culture, and fears it. Orlando Letelier, a passionate Chilean patriot, democrat, and anti-fascist, a former minister in the government of Salvador Al-

lende, was aware of this. Not long before he was killed in Washington by the explosion of a mine placed in his car by agents of the military junta, he remarked: "What the junta is trying to exterminate is not so much individuals as ideas."

Hitler burned the works of Heinrich Heine, Thomas Mann, Anatole France, and Ernest Hemingway on bonfires. Pinochet burned the works of great masters of the culture of modern and past times.

Fascism fears and hates, hates and fears culture because culture is socially useful, because in the highest creations of culture the aesthetic and the ethical are organically interwoven, because the lyre of a great poet awakens positive feelings.

Under banners proclaiming the uselessness of culture and its development through self-destruction, which, supposedly, expresses the freedom of culture from totalitarianism, the authors of the "Manifesto" come rushing to the aid of the peoples of Eastern and Central Europe. The newly appeared saviors of the freedom of European culture call for a crusade: the freedom and culture of the peoples of socialist countries must be saved, for they are "bound to silence". The peoples of socialist countries await their help, announces this group of French intellectuals, and not merely "consolation". What is this help to consist of? To whom do they wish to offer it? Does the culture of socialist countries need the aid of these "saviors" for its development?

One would imagine that any countryman of the members of the "Committee of Intellectuals" who is even the slightest bit knowledgeable about the state of culture in socialist countries would be amazed to hear such a call for help. As is well known, the present and future condition of culture does not stand in isolation from the historical development of society. Precisely for this reason, culture under socialism has ceased to be a commodity, ceased to be an article of luxury. Socialism has guaranteed access to culture for each and all. The means for the dissemination of culture, which are now in the hands of the people themselves, have ensured its accessibility, have broken down the barriers that separated the spiritually cultivated from the masses. Along with passive or consumer, so to speak, accessibility, socialism guarantees active accessibility—a genuine opportunity for every individual to participate in the creation of cultural values.

The authors of the "Manifesto" intimidate the Western intelligentsia with the new Soviet Constitution, which, they claim, denies the freedom of culture. In what way? Apparently by the fact that it includes a special article that proclaims the right to enjoy the achievements of culture, and ensures that right, in particular, by guaranteeing citizens broad access to the cultural treasures of their own land and of the world; by the fact that the Constitution of the USSR reaffirms the duty of the state to concern itself with protecting, augmenting and making extensive use of cultural wealth.

Inasmuch as the ideal of these newly appeared "defenders of the freedom of culture" is the social uselessness of culture, everything that does not correspond to that standard is branded as "totalitarianism". Under the guise of unconcern with politics, the appearance of defending some sort of indivisible freedom, the authors of the "Manifesto" uphold a primitive anti-communist position. Using a slogan about the asocial character of culture, they fall in step with the anti-communist ideologues who, in their day, invented the concept of totalitarianism, and then were forced themselves to acknowledge the falsity of the notion that the political structure of socialism is totalitarian in nature.

Who were the signers of the "Manifesto"? Who were the founders of the "Committee"? They are a motley crew indeed.

We were not surprised that our old friend Eugène Ionesco, for whom the highest expression of the freedom of culture is unlimited freedom for homosexuality, hastened to subscribe. He was also elected president of the "Committee". Good luck to you, Mr. Ionesco.

Among the founders of the "Committee" are a number of professional slanderers of socialism and Soviet reality. The Sovietologist François Fejtő is a member of the "Committee", as is Raymond Aron who, in his time, made a significant contribution to fanning the flames of the cold war. Enmity for Marxism unites "Committee" members Jean-François Revel, a columnist for *L'Express*, and Jean-Marie Domenach, editor of the magazine *Esprit*.

It is difficult to understand how two noted French professors of law, Georges Vedel and Georges Burdeau, fell in with such company.

But most of all I was surprised by the inclusion in this list of the name of the Belgian political scientist Léo Moulin. In years past he and I have on several occasions been co-participants in the congresses and symposia of the International Political Science Association. He was elected to the Executive Committee of the Association; I was a member of its Council. I remember that during one of the symposia—it was in 1969 in Turin—Moulin told me the story of his life. As a young student in Italy, he took part in an unsuccessful attempt on the life of Mussolini, and was arrested. But he was soon sent home from Italy—his father, the leader of an influential Belgian union of railroad workers, somehow managed to persuade the King of Belgium to intercede with Italy's Victor-Emmanuel. After his return, Moulin's father forced him to swear that he would never get involved in politics again. In Turin, Moulin told me that he would always carry in his heart a hatred for fascism, and a devotion to the high ideals of political freedom; he said that he was an enthusiastic admirer of Russian culture. As the years passed this was all overshadowed by a love for fine cuisine and for a certain type of journalism—columns on cooking. Moulin was even president of an association of journalists who write on culinary topics. It is obvious that these days Léo Moulin has a better understanding of the gastronomic arts, the three hundred recipes for the preparation of the *moules* of which the Belgians are so fond, or of fish-soup with chicken broth, than of the questions of cultural freedom and the cultural life of socialist countries.

A certain Julia Kristeva, who these days is pursuing a career in France (mostly in the pages of the magazine *Tel Quel*) as a specialist in the "theory" of dissident literature, also figures among the founders of the "Committee". In December, 1977, not long before the appearance of the "Manifesto", Kristeva set forth her credo at the disreputable Venice Biennale. Kristeva tried to give a general characterization of the productions of the little band of dissidents who make a profession of parasitism in the world of art and literature. Overflowing with intentions to exalt the "role" of the dissidents, she gave, without realizing it herself, a murderously exact characterization of their productions. "Dissident culture is an asocial counter-culture," said Kristeva in summing up her remarks.⁴³

And in fact, literary types like Andrei Sinyavsky, Josip Brodsky, and Viktor Nekrasov, who have now rooted in the West, have emigrated not only from the Soviet Union, but also from the literature and culture of their homeland.

As one reflects on Julia Kristeva's maxims, a question comes to mind: has she not revealed the cherished hope of her colleagues on the "Committee of Saviors" of European culture? They are, after all, hoping to undermine socialist culture. They portray the genuine socialist culture of the peoples of Central and Eastern Europe as "the voice of the immured". By the same token, they are hoping that the "asocial counter-culture" of the dissidents, which aims to undermine this genuine culture, will gather strength. That would represent "freedom of culture".

But this is a vain hope. Of course, one cannot exclude the possibility that some readers of the "Manifesto" may be deafened and hypnotized by this sort of demagoguery. But it seems most likely that the authors of the "Manifesto" are merely deafening themselves with their demagoguery. By this kind of demagogic mesmerism, Western intellectuals try to convince their uninformed public, which knows neither Russian literature nor even the Russian language, that Josip Brodsky is "the greatest modern Russian poet", or that Alexander Galich, who died not long ago in Paris, is the idol of Soviet youth.⁴⁴

To be perfectly frank, there are few who know either Brodsky or Galich among Soviet youth, and few among the older generation.

But this is not from any lack of love of poetry among Soviets. Oh no! Nowhere in the world is poetry so widely read, nowhere is it printed in such enormous quantities. (Speaking of printing: in the sixty years of Soviet power, fifty billion books and pamphlets have been printed.) Poetry readings, which are held in the country's largest auditoriums, the palaces of sport, draw huge audiences. Probably no star of the silver screen could compete in popularity with the best-loved poets: Rasul Gamzatov, Andrei Voznesensky, Yevgeny Yevtushenko, Eduardas Mieželaitis, Robert Rozhdestvensky, Alexei Surkov, and many more. Furthermore, because of television, millions of people today know not only the verse of these poets, but also their faces.

Why is it that the people of the Soviet Union love and esteem

poets and prose writers, artists and performers? Chiefly because an invisible bond exists between the people and the creators of masterpieces of literature and art. The hopes, intentions, aspirations, ideals, difficulties and triumphs, sorrows and failures, doubts and achievements of the people are embodied in works that are close to them.

Culture under socialism is not only accessible to all; it is a vital necessity for every individual. Thus culture in all of its many forms becomes an instrument for a broader involvement of all in life, its events, and rhythms. Culture stimulates growth of the activity of Soviet citizens in an extremely wide variety of areas of life. This creative activity by citizens is, in turn, a most important factor in the development of the economic, public, and spiritual life of society. Creative activity is an important element of the culture of a mature socialist society.

For this reason one of the fundamentally important traits of Soviet socialist culture is precisely an indissoluble bond between the masters of culture and the society, between the creators of cultural objects and the social milieu in which they live and work. The genuine freedom of the cultural worker under socialism consists in the awareness that social being and social consciousness are interrelated. And the state, in accordance with the aims of building communism, guarantees the freedom of scientific, technical, and artistic work, as recorded in the Constitution of the USSR (Article 47).

This kind of freedom, in which the cultural worker senses his participation in society, his connection with, and responsibility before, society, is incomprehensible to the authors of the "Manifesto". They see in it a submission that denies freedom. They strive to separate culture from its objective material and historical roots, to take it out of its social context. "A global solution, founded upon the inclusion into a single system of economic, political, social, and 'cultural' factors, which claims irrefutability because it is supposedly scientifically-founded" is rejected by jealous defenders of the freedom of culture. Thus they reject an approach which integrates culture into an overall social, material, and spiritual system.

We will not continue our polemic with the authors of the "Manifesto" here; but let us recall that the real masters of

culture have always rejected culture, art, or literature that is confined to abstract formal strivings, bloodless, isolated from its social milieu. Albert Camus, accepting the Nobel Prize in 1957, stated categorically: "The freedom of art is not worth much if it means no more than guaranteeing the comfort of the artist."⁴⁵

Culture, there can be no doubt, is a broad, many-faceted concept. Many conceptions of culture are not universally recognized. We would not have undertaken a dispute with the authors of the "Manifesto" were it not for its extremely retrograde, anti-socialist tendentiousness, and its aggressive undertone, which is felt despite all its sworn independence and non-partisanship. It was precisely this aspect of the "Manifesto" that led a group of Soviet cultural figures—the prominent writers Sergei Baruzdin, Vadim Kozhevnikov, Vitaly Korotich, Eduardas Mieželaitis, Sergei Narovchatov, Maxim Tank, and Nikolai Fedorenko, the well-known scholar of French history Professor Nikolai Molchanov, and the author—to make a joint statement in the pages of *Literaturnaya Gazeta* (March 29, 1978) concerning the "Manifesto".

There is one more fact, however, which I, as a jurist, cannot overlook because it is directly related to human rights. The authors of the "Manifesto" attempt to raise doubts about the necessity and wisdom of legal guarantees of freedoms, i.e. the very concept of constitutionally expressed human rights. By its very nature "any law about freedom is nonsense," we read in the "Manifesto". Its authors are first of all displeased about the fact that the Constitution of the USSR proclaims rights "for each and all".

Yes, the Soviet Constitution proclaims, and the political and social system of socialism guarantees, a broad spectrum of rights "for each and all". Those rights termed cultural occupy a place of considerable importance in the general system of the economic, social, political, and personal rights and freedoms of citizens. To be sure, not all of them, not even the most elementary, are constitutionally recognized in the West.

There was a time when the first step toward legal guarantees of the right to scale the heights of culture was the concession of the right to elementary education—the right to literacy. No little time was required for the recognition of even this elementary

right to an education as a part of the rights of the citizen; it made its way into the constitutions and other legal acts of the West only after the First World War and the October Revolution in Russia.

Revolutionary transformations, and the social development that followed, were necessary before the 1977 Constitution of the USSR could announce that the right of citizens to education "is ensured by free provision of all forms of education, by the institution of universal, compulsory secondary education, and broad development of vocational, specialized secondary, and higher education, in which instruction is oriented toward practical activity and production; by the development of extramural, correspondence and evening courses; by the provision of state scholarships and grants and privileges for students; by the free issue of school textbooks; by the opportunity to attend a school where teaching is in the native language; and by the provision of facilities for self-education" (Article 45).

Thus in sixty years the policies of the Communist Party and the Soviet government have brought about solutions for the principal problems in the provision of access to culture for every single individual in the country.

It is easy to forget the past. But, as a legacy of tsarism, the country once had a catastrophic illiteracy rate. Eighty-six per cent of the population were illiterate. At the periphery of the Russian empire the percentage was considerably higher. In Central Asia, the literacy rate was 1.6 per cent among Uzbeks; among the Turkmen, Kirghiz, and Tajiks the rate was from 0.5 per cent to 0.7 per cent.

Sixty years later, one hundred per cent literacy has already long been a reality. More than half the population has a higher or secondary education.

At the present time there are approximately 900 institutions of higher learning operating in the Soviet Union, including 65 highly diversified universities; there are over 4,000 specialized secondary institutions. They are attended by around ten million students. Each year over 700,000 young specialists graduate from institutions of higher learning.

Furthermore, government financing of (for example) higher education—average expenditures amount to 1,000 rubles per

year for each student in higher education—the free provision of education itself, scholarships and grants, all guarantee a real opportunity for every young person in the Soviet Union to receive a higher education in accordance with his or her abilities and inclinations. All this while in France, for example, the son of a worker has chances of receiving a higher education that are fifteen times lower than those of a similar young man who is the son of a director of a factory.

It would certainly be appropriate to speak here of the variety of institutions of higher learning. After all, this is one of the manifestations of the freedom to choose one's gate into the world of culture, the world of knowledge and creativity. It is practically impossible to enumerate all the varieties of specialized technical institutions of higher learning. In the sphere of culture in the narrow sense of the word, specially-qualified workers are trained at musical conservatories, the Institute of Cinematography, the Institute of Theater Arts, the Academy of Arts, the Literary Institute, and the many branches of the Institute of Culture.

The constitutional formula on the right of citizens to enjoy the benefits of culture (Article 46) is also backed up by a whole system of means for the ensuring of that right.

First among these is access for all to the cultural treasures in government and public collections. In the USSR there are over 1,300 museums with regular exhibits—from the magnificent Hermitage to the houses, now memorial museums, in which great artists and writers lived and worked. Furthermore, not one of these museums ever experiences funding problems, or is ever faced with the necessity of selling some precious exhibit because of a lack of contributions. Collections grow steadily, and problems lie rather in a lack of space in which to exhibit all the pictures in the collection. We are even reproached with the fact that not all the pictures of one or another artist are exhibited. Sometimes the "evil intentions" of museum administrators are seen behind this. But I am hardly competent to judge which is the optimal model for the placing of museum exhibits. It is plain that the constitutional formula on broad access to cultural treasures extends to all the treasures contained in collections.

The Constitution speaks of the "development and fair distribution of cultural and educational institutions throughout the country". Of course there is only one Bolshoi Theater, and only one MKhAT (Moscow Academic Art Theater), just as there is only one Janis Rainis Dramatic Art Theater in Riga, and only one Khamza Theater in Tashkent. In its own way, every theater is unique. Around six hundred theaters—six hundred professional theatrical troupes—are active in the USSR. They present theatrical works in nearly fifty languages. Every theater has its own style, its own artistic signature. Does not the fact that one and the same play, when staged in different theaters (even within the same city), turns into different plays, each with its own emphases, creative interpretation, and artistic contributions by actors and director, refute the rantings sometimes heard in the West to the effect that in the artistic life of the USSR uniformity is imposed "from above", that the freedom of artistic creation is shackled by the methods of administrators?

Theaters in civic centers and in larger such institutions (usually termed "houses" or "palaces" of culture) should be considered alongside the professional theaters. There are over 135,000 such theaters in the cities and villages of the USSR. Professional actors and performers make frequent tours of their stages. Most often they serve as a permanent base for amateur talent ensembles. Across the country sixteen million persons take part in these amateur activities, devoting their leisure time to acting in people's theaters and to participation in choral and dance ensembles, and in other areas of artistic activity. The high aesthetic level that these amateur activities often attain and the opportunities they present for self-expression also contribute to a better use of leisure time.

The Constitution of the USSR mentions expansion of cultural exchange with other countries as one of the means for ensuring the right of citizens to the enjoyment of the treasures of culture.

Marxists have always had a clear conception of the fact that culture, being an historical phenomenon, develops together with society. But culture also preserves a complex of artistic values from past eras. As early as the first years of Soviet power, it was decisively emphasized by Lenin that the culture of socialism cannot develop without continuity. Lenin called attention to the

necessity of the "development of the best models, traditions, and results of the *existing* culture".⁴⁶

Cultural isolationism, conceit, arrogant underevaluation of the achievements of the masters of culture living and working in the West, all of these are utterly foreign to socialist ideology and practice.

The practice of large-scale cultural exchange has become even more intensive and rich due to the consistent efforts of the Soviet Union to fully realize the provisions of the Final Act signed at the Conference on Security and Cooperation in Europe.

Publication in record numbers of foreign literature in translation is an important factor in getting acquainted with the cultures of other countries through exchange. "Well of course, Victor Hugo is published in 25 million copies, Balzac in 24 million, Zola in 20 million, and Jules Verne in 19 million," the French intellectuals we argued with above might say. "But those are all classics! But the Soviet reader is carefully shielded from modern writers."

But here the mailman has brought today's correspondence. And along with it came the magazine *Inostrannaya literatura* (Foreign Literature), volume 2, 1979. This "thick" journal, with a monthly circulation of 690,000, has been acquainting Soviet readers with modern writers in translation for many years. In this issue it began to print Jean Carrière's novel *L'épervier de Maheux*, for which he was awarded the Goncourt Prize in 1972. In the years since the war alone, the number of translations of works by French authors into the languages of the peoples of the Soviet Union has exceeded 4,500.

Tours by theater groups, cinema weeks, the regular showing of dubbed films, concerts, records, plays on the stages of Soviet theaters—these are all mere fragments of wide cultural exchange.

Thus the complex of the cultural rights of the Soviet citizen (the right to enjoy cultural benefits, the right to education, the right to freedom of scientific, technical, and artistic work), which are guaranteed and practically provided for, as can be seen from the several examples we have cited, is composed, as it were, of a number of elements. Here belongs the right to steady accumulation of knowledge in the broad sense of the word, which is closely connected with the right to knowledge and informa-

tion; here too belongs the right to take part in the enrichment of culture, the right to artistic self-expression. All of these rights, which are elaborated in an entire complex of legislative acts, are possible only in a given social milieu, only in a given social climate, even; in particular, they are possible only if peace prevails.

Would you not agree, dear reader, that in the context of the real facts about socialist culture, all of the slogans of the members of the "Committee of Saviors" of European culture—the slogans about the uselessness of culture, about the absurdity of norms for cultural rights—only expose their irresponsibility and pretensions to eccentricity?

Is "Stalinism" Alive?

There are illnesses (sometimes they are serious, or even extremely serious) that only a strong organism can cope with. Such an organism, having overcome the illness, gathers strength and becomes even more powerful. This can also happen with a society, if it is strong, healthy, and vital. An immunity is developed during the process. Therefore a recurrence of the illness is impossible. This is precisely what occurred in the Soviet political system in the process of overcoming the violations of legality and the encroachments on the rights of citizens that were committed during the period of Stalin's personality cult.

In this connection Pablo Neruda was right when he called the exposure by Soviet Communists of the violations of legality that took place during Stalin's lifetime "a powerful indication of the strength and integrity of the Communist Party, which stood its ground and, regardless of everything, unafraid of responsibility, revealed the historical truth to the world".⁴⁷

The historical truth, in its general outlines, can be summed up as follows. Violations of legality, and encroachments on the rights of citizens, did take place. They are sometimes called crimes. We are not frightened of that word. Certainly they were crimes, that is to say, arbitrary acts contrary to the essence of a socialist regime. By nature they were a denial, and not in any way an outcome (let alone a "natural outcome"), of the socialist system. In 1956 these violations were exposed and condemned by the Communist Party of the USSR. And this was the

beginning of the restoration of historical justice, the beginning of a process of self-cleansing in order to prevent any recurrence in the future.

These are the facts; they are well known.

Of central importance here is that Stalin's personality cult, and the violations of legality that resulted from it, were exposed and condemned at the initiative of the Communist Party. The criticism of Stalin's personality cult at the 20th CPSU Congress and at subsequent Party congresses, in the special resolution of the Party's Central Committee dated June 30, 1956, and in the speeches of the Party leaders, represented an act of self-criticism and self-evaluation by a ruling party unprecedented in history in its depth, objectivity, and consistency.

More than twenty years have passed since that time. Yet there continue to appear publicists, journalists, and historians who pretend to be virtually the first to undertake an objective examination of the history of the Soviet Union, and of one period of its history in particular. One sometimes meets with such pretensions to virtual priority of discovery in the criticism of Stalin, what is more, these pretensions are spiced with evaluations of a global nature. Precisely this is, in essence, the position of the French philosopher and publicist Jean Elleinstein in marketing his *Histoire du phénomène stalinien*.

In early 1979 *Newsweek* printed an interview with Andrei Sinyavsky, a well-known priest of the cult of hatred for the Soviet Union, about the "latent" threat of Stalinism.⁴⁸ Almost simultaneously a summary of the contents of the speeches made at a Paris colloquium on Stalinism, in which "specialist" in Stalinism Elleinstein and other "universal experts" in criticism of the USSR participated, appeared in French newspapers.⁴⁹

This constant returning to the events of the period of the cult of personality serves a very definite purpose. It represents a repeated attempt to suggest to an uninformed audience in the West that these violations of legality, which took place in the past as a result of Stalin's personality cult, are a permanent feature of the Soviet political system.

The conception of "permanent Stalinism", of the "immanent" violations of legality, is based on the gambit of denying the clear distinction between that which is rooted in the nature of the

system and that which is the result of circumstances, and therefore is temporary and can be overcome—overcome, what is more, once and for all.

According to this slanderous conception, there remains a constant threat of return to violations of legality in the USSR. *New-sweek* and Sinyavsky try to frighten readers: "There is a nostalgia for Stalin and at any moment the government can revert to the politics of Stalin's time."

Once in a conversation with young people in the student auditorium of the Free University in West Berlin I was asked: "Did Stalin do more good or harm in history?"

In evaluating political events and entire eras, or even the role of individual personalities, it will probably not do to use an apothecary's scales, to try to determine to the milligram the preponderance of good or evil. It is more important to separate what is positive, permanent, and important from what is negative, what can be overcome. Of course, this does not mean that one should close one's eyes to the negative side of that period, forget about it, remember only the victories and great achievements. But neither should one forget the enormous successes of the pre-war construction in the USSR: the creation of the material and technical basis for socialism, the development of education, science, and culture, and the improvement of the living standards of the people.

Precisely this kind of considered evaluation of Stalin's activity as head of the Party, and of the specific historical period of the construction of socialism in the USSR is presented in the June 30, 1956 Resolution of the CPSU Central Committee.

Evil, faults, and the negative side are always felt more keenly subjectively. The proverbial ability of a rotten apple to spoil a barrel is psychologically very expressive, and can be applied to the evaluation of social phenomena.

But this is augmented by the efforts of certain Western publicists to depict the negative phenomena that resulted from Stalin's personality cult in an exaggerated form. When a page is torn from the history of the Soviet government, when everything good, grand, and of worldwide importance—the building of socialism, the victory over the nazis—is blotted out of a given historical context, a distorted picture results, and the violations

of law of a given period (which have been exposed, condemned, and overcome) are characterized as dominant, immanent, and permanent. This is how the myth of "eternal Stalinism" is cultivated.

The meanness of Alexander Solzhenitsyn lies precisely in the fact that he takes real or invented facts, that belong to a perfectly definite historical period, and not only augments them and gives them a mass character but also extrapolates from them, presenting them as contemporary manifestations, as permanently characteristic features of socialist reality.

After the exposure of the violations of legality that took place during the time of Stalin's personality cult, the first and foremost measure taken was the release and full rehabilitation of all those who had been groundlessly convicted. The cases of all persons convicted without proper grounds who had died before 1956 were likewise reviewed. It would be virtually impossible to find a single Soviet citizen who knows of some violation of law which took place during the time of Stalin's personality cult that has not been rectified by rehabilitation of those innocent persons who had suffered.

Only those who want to make capital of these grave misfortunes, these past violations of legality, and to fish in the muddy waters of misinformation can maintain the reverse. This is precisely what the authors of the slanderous report of Amnesty International on "prisoners of conscience in the USSR" are trying to do. The authors of that notorious report attempt to disorient their readers by announcing that not all persons condemned for political offenses during Stalin's lifetime have been released and rehabilitated.

Correction of the errors and violations of legality committed up to 1953—up to the death of Stalin—led to the release and rehabilitation of all citizens convicted without proper grounds, as we have just seen. But in the decade from 1943 to 1953, let us say, and especially immediately after the Second World War, war criminals, persons who had betrayed their high duty as citizens and as human beings, who had collaborated with the nazi butchers in the occupied territories, who had themselves become butchers, were convicted as well. Should they be rehabilitated too simply because they were convicted prior to 1953?

Efforts to distort the scale and real consequences of certain coercive actions that the Soviet government under Stalin took during the war continue up to the present day. Thus for example Professor Alice Erh-Soon Tay of Sydney University in Australia, an active participant in fanning the flames of anti-Soviet hysteria, discusses the "virtual extermination" by Stalin of "whole nationalities" in her article "Marxism, Socialism and Human Rights". She makes reference to the Volga Germans and the Crimean Tatars who, she writes, "were virtually exterminated through forced population transfers and the severest of camp conditions".⁵⁰

What really happened?

During the war citizens of German origin were removed from localities not far from the place where the great historical Battle of Stalingrad took place, and resettled far to the rear, principally in Kazakhstan. Most of those resettled survived the hardships and difficult conditions of the war years, and adapted to life in their new home. Today many of them, their children and grandchildren, are known as hard workers in Kazakhstan, and in the whole Soviet Union. Among them are many persons who have received major government awards, and many who have been elected to the highest government body in the Republic.

By the way, similar preventative measures were taken in a number of the Allied countries during the war. Thus for example persons of Japanese origin were resettled from the west coast of the United States.

Were such measures justified? It is hard to judge today. But at any rate "virtual extermination" or confinement under camp conditions simply did not take place.

As for the Crimean Tatars, they were resettled during the course of the war, immediately after the liberation of the Crimea from the Nazi occupying forces. They were nearly all moved to the Uzbek Republic.

The Presidium of the Supreme Soviet of the USSR later legislatively recognized the groundlessness of wholesale accusations against citizens of Tatar origin.⁵¹ Thus the historical injustice of indiscriminately placing the responsibility for certain instances of unpatriotic behavior on the entire Tatar population of the Crimea was recognized and recorded in a legislative act, and

the legal consequences of the unfounded accusation were removed. The fact is, furthermore, that the great majority of the resettled Tatars and their descendants settled down in new homes in Uzbekistan. Among the deputies to the Supreme Soviet of the Uzbek SSR there are, at the present time, seven of Tatar nationality.

The slanderous thesis of "permanent Stalinism" denies one of the most important qualities of socialist democracy: its progressive development. Thus the political system of socialism is depicted as ossified, conservative, and unchanging.

In reality, however, the further extension and development of socialist democracy is an intrinsic feature of the socialist system.

The process of development of socialist democracy is itself complex and many-faceted. We are proud of what we have achieved, but we fully understand that not all of the problems that life poses have been solved. The resources of socialist democracy for its own development are many. Meanwhile the existing forms for the participation of citizens in the management of state and public affairs—the forms of democracy—are perfected, and new institutions are created, which include the formation of supplementary legal guarantees ensuring due process and the protection of the rights of citizens.

One extremely important innovation in the 1977 Constitution of the USSR may be cited as an example of a broader system of means for the protection of the rights and lawful interests of citizens. This innovation is the establishment of a judicial procedure for the examination of complaints by citizens about actions by officials that contravene the law or exceed their powers, and infringe the rights of citizens (Article 58).

The development of socialist democracy, its institutions and forms, is an uninterrupted process, in which the stability of the basic principles of democracy is joined to the dynamism of development.

It is precisely the dynamism of the development of the entire political system of socialist society that leads to the working out of optimal and manifold forms for democratic participation by citizens in every stage of the democratic process. This dynamism includes active, enterprising efforts to eliminate deficiencies in the

functioning of individual elements in the machinery of socialist democracy.

Consistent efforts are made in the USSR to increase the prestige of the law and to deepen the trust of citizens for those government bodies whose legal functioning they most often encounter.

Experience has shown that citizens have a great interest in legal knowledge and in being well informed about the contents of laws and the various aspects of their rights. Evidence of this is the growing popularity of the journal *Chelovek i zakon* (The Individual and the Law, circulation one million), whose chief function is to inculcate the ideas of legality, and respect for the law and for the rights and duties of citizens. Soviet television also devotes considerable time and attention to this goal. Prominent law students and practitioners take part in discussions of questions of law which are broadcast by television. But in place of detective stories, with their relish for the sensational details of criminal cases, Soviet mass media try to give their readers, viewers, and listeners an objective look at the real life process of the law. In many cities there are special universities for informing citizens about the law.

Considerable efforts are being made toward the improvement of the legal basis for the regulation of social relations in the Soviet Union.

In accordance with joint resolutions of the highest party and government bodies, intensive work is in progress on an all-inclusive systematization of legislation in force; the goal of this work is the publication of a complete collection of legislation, a *Code of Laws of the USSR*. In the process obsolete legislation is being repealed, gaps are being filled, and unjustified multiplicity of normative acts removed. The publication of the *Code* will aid in the achievement of greater precision in the legal activity of government bodies. The *Code of Laws* will make the *corpus juris* still more accessible to citizens. This will undoubtedly result in still greater stability and consistency in the realization and safeguarding of the rights of citizens.

Practical and all-encompassing inculcation of the principle of legality in the everyday activity of government and judicial organs is one of the most important elements in fully eradicating all

remnants of the cult of personality, and setting up precautionary barriers against its recurrence. The problem of inculcating the principle of legality in practice is inseparable from that of implanting it in the minds of citizens, including citizens who are officials.

The 1977 Constitution of the USSR states: "The Soviet state and all its bodies function on the basis of socialist law, ensure the maintenance of law and order, and safeguard the interests of society and the rights and freedoms of citizens.

"State organizations, public organizations and officials shall observe the Constitution of the USSR and Soviet laws" (Article 4). This constitutional provision is both a consolidation of an extremely important principle of the functioning of the entire political system of Soviet society in the conditions of developed socialism, and an expression of the social reality of our times.

Leonid Brezhnev, in his first report on the draft of the Constitution of the USSR at the Plenary Meeting of the CPSU Central Committee on May 24, 1977, devoted special attention to the further consolidation of socialist legality as one of the chief principles of the Constitution.

In speaking of the clear expression of the further consolidation of socialist legality and law and order in the draft of the new Constitution, Brezhnev noted that certain years since the adoption of the 1936 Constitution had been darkened by illegal repression and violations of the principles of socialist democracy and of the norms of Leninism for party and government life. This was done in disregard of the provisions of the Constitution. The Party wholeheartedly condemned these actions, and they are never to be repeated.⁵²

Legality, the unconditional, uncompromising, and categorical demand for the strict observance of the prescriptions of law, including, first and foremost, those that protect the rights of the citizen, has become a universal and all-encompassing principle of the life of society under developed socialism. Michel Lesage, professor at the University of Paris and director of the Department for Research in Comparative Law in the French National Center for Scientific Research, has noted: "The principle of socialist legality is accorded a privileged place in the 1977 Con-

stitution."⁵³ Lesage has studied the development of the government and legal institutions of the USSR carefully for many years, and is one of the leading authorities on Soviet law in French academic circles. The words quoted were taken from a commentary on the Constitution of the USSR prepared by Professor Lesage and published in 1979 by *Documentation française* under the auspices of the General Secretariat of the French Government.

Legality is an extremely important institution; both government bodies and the citizens themselves are interested, to an equal degree, in its absolute triumph. This is fully manifested in the especially important role that legality plays in guaranteeing the rights of citizens. Political rights and freedoms, just like social and economic rights, are not in any degree whatever a sort of "concession" made by society to the individual. Of course they serve the interests of the citizen. But that is not all. Society itself is interested in the realization of the rights of its members. Therefore one of the concrete functions of socialist legality is to guarantee the rights and freedoms of citizens. Furthermore, the government, using its organizational capabilities and ideological means, gives every possible encouragement to actions directed by citizens toward the full realization of their rights.

Socialist legality is not a neutral value. Legality itself, as a principle of the political system of socialism, is permeated with humanistic values, including the ideal of human rights.

Consequently we cannot accept a formalistic, mechanical conception of legality, which would reduce it to merely ensuring the strict observance of legal norms without regard for their content. For this reason we reject the very idea of applying the concept of legality to a political regime under which there is no possibility of exercising elementary democratic rights. It is simply impossible to speak of legality in regard to fascist governments. Under the military junta that is presently in power in Chile, machinery for the forcible imposition of the political will of the fascist dictatorship is in operation. The attempts of the junta to clothe political terror in a pseudolegal disguise, to force it into an institutionalized framework, represent one of the special characteristics of the Chilean style of fascism. The junta even tried to put a pseudolegal disguise on its forcible seizure of

power by publishing an avalanche of decrees that swept away the entire system of the constitutional principles of republican government and the elementary rights of citizens.

Legality takes on a social value only when it serves to safeguard values expressed in law. This is precisely the value of the legality that is accorded a "privileged" (or priority) status of a principle of the political system of socialism.

Legality has become a social reality. All of its manifestations and characteristics are constants in the lives of citizens. Socialist legality as such is a guarantee against bureaucratism in government, against administrative actions that would flout the letter and spirit of the constitutional rights of the citizen. Legality is a guarantee against any danger of a gap between the letter of constitutional law and political and social reality.

Would it be correct to assume that, given the reality of the principle of legality in the everyday life of Soviet society, the realization of this principle takes place automatically? Of course not. The ensurance of legality is a duty of every government body. But a special system of methods for government supervision of legality exists as well. This system is based primarily on specific functions of the agencies of the Procurator's Office.

The special characteristics of the Procurator's Office in the Soviet Union are, first, that its agencies exercise supreme power of supervision over the strict and uniform observance of laws by all government institutions, organizations, and enterprises, by the executive-administrative bodies of local government, by collective farms, cooperatives, and other public organizations, by officials, and by private citizens; and second, that its agencies exercise their powers independently of any local bodies whatsoever. All agencies of the Procurator's Office are organized into a hierarchical system, and subordinate only to the Procurator General of the USSR, who is appointed by the all-Union parliament—the Supreme Soviet of the USSR—to which he is responsible and accountable. Precisely because of the importance of the supervision of the Procurator's Office as a safeguard of legality, the restoration of its rights and true significance was one of the essential practical measures taken immediately after Stalin's personality cult was exposed.

A many-leveled system of judicial bodies and extensive oppor-

tunities for appeal are of great practical importance in ensuring legality in the administration of justice. It is sometimes alleged in the Western press that being put on trial in the Soviet Union is equivalent to being convicted, and that convictions are final and irreversible. It is true that a lawful and well-founded conviction, which reflects the objective facts of the case and is made in precise accord with material and procedural law, ought to be irreversible. But if a conviction does not meet these requirements it will be reversed by a higher court. The institution of appeal, and the procedure of review by a court of second instance, exist for this reason.

Everything that we have said is evidence of the single-minded efforts of the Communist Party of the Soviet Union to strengthen the ideal of legality, the sum total of all its components, in Soviet society. It is under these conditions that strict observance of the rights of citizens and protection of those rights from any encroachment or abridgement, conscious observance of the law by citizens, and increasing prestige of the law itself and respect for the legal process become integral elements of the existing system of social relations.

The rule of law is an everyday reality of public life.

All this has engendered in Soviet citizens a feeling of involvement in the overall process of the development of the law and its realization. It has engendered and confirmed a sense of certainty in the unconditional reaction of the government's system of means for the safeguarding of rights in any case of violation of, or encroachment on, the rights of the citizen, regardless of the area of the life of society in which it takes place.

This sense of security is one of the most important indicators and the extremely significant consequences of the complete elimination of the after-effects from Stalin's personality cult. The restoration of confidence in the law, and in government bodies for safeguarding the law, is one of the most reliable guarantees of the impossibility of a return to "Stalinist methods".

II

THE PRACTICE OF DEMOCRACY IN A DISTORTING MIRROR

Is There Any Object for Discussion with Dissidents?

Along with the distortion of the concept of socialist democracy, there are also attempts to distort the practice of democracy in the Soviet Union (especially in relation to political rights and freedoms).

Perhaps one of the most often-repeated clichés used to present a distorted picture of the internal politics of socialist governments is the claim that in those countries debate, dialogue, and the competition of ideas are replaced by the adoption of administrative (repressive) measures.

Sometimes categorical statements are made to the effect that in socialist countries citizens are "persecuted, imprisoned, and interned for expressing their opinions", that people are deprived of their freedom for unorthodoxy, for opinions, for ideas. Expressions are made of decisive "disagreement with measures directed against the freedom of opinions, the freedom of speech, and the freedom of artistic expression". It is claimed that repression takes the place of persuasion, debate, and the competition of ideas.

In this connection we would like first of all to pause for a moment to ask just what "ideas" are suggested as a basis for this debate, this dialogue.

We shall allow ourselves to state that there are some points of view on which history itself has closed debate. It has issued its final verdict on them.

Have not the chaotic monarchism of Alexander Solzhenitsyn, his nostalgia for autocracy, and his daydreams of restoring monarchy and clericalism been cancelled by the history of the rise, establishment, and development of the world's first socialist country?

What basis for discussion can there be with Bukovsky, who (as *Le Monde* reported) declares that the alliance of Western

powers with the USSR against Hitler during the Second World War was "amoral"?

Should we enter into a debate with Andrei Sakharov, who parrots the "philosophy" of the most arrant opponents of international cooperation and peaceful coexistence, writes of "capitulatory detente", and believes that "convergence is the only way to save humanity"?

It is senseless to debate such ideas.

The real convictions and spiritual orientation of the dissidents show up with special clarity when we measure their declarations and statements concerning key contemporary questions against the standard of prevailing world opinion.

It immediately becomes apparent that the dissidents, who present themselves as self-sacrificing servants of the interests of the people, and pass themselves off as defenders and protectors of justice, are terrified of the development of any of the positive processes of our times. For example, let us take the dissidents' attitude toward the chief problem of our day: peace on earth. They are thrown into a panic by peaceful cooperation among nations, they fear the politics of detente and prevention of a new world war. That which has now become an expression of all the world's honest people, of all men of good will—peace, detente, the possibility of preventing a world holocaust—is an object of fear for our warlike dissidents.

The words of the writer Vladimir Maksimov, a self-proclaimed pillar of the dissident community, who likened the politics of detente to "the damnable playings of half-educated contemporaries at diplomacy", cannot be called anything but a cynical challenge to humanism and the politics of peace and detente. For those who engage in the politics of detente, Maksimov, speaking in the name of none other than the Almighty himself, has already prepared a place in the dock of "the future court of history".

How can one fail to be astonished at the words of Sakharov (a physicist with a good understanding of the destructive power of modern nuclear weapons) when he speaks of the "dangers" (!) that detente presents to the world? Over the years he has repeatedly expressed the idea, which first appeared in print on November 4, 1973, in *The New York Times Magazine*, that

detente represents a danger to the whole world, which should be taken with all seriousness. This from a man to whom the Norwegian Royal Academy awarded the Nobel Peace Prize!

Let us now take a look at the attitudes of these "true champions of human rights" toward a sinister reappearance of fascism: the bloody dictatorship of the military junta in Chile. Here we see reflected, in mirror image, their true attitude toward the concept of human rights, toward the ideals of freedom and human dignity.

In September, 1973, when protests were heard on all continents against the crimes of the military junta, people of good will were confused, and then angered and outraged, by an appeal to Pinochet made by three dissidents—Sakharov, Maksimov, and Galich—in which they humbly pleaded with the butcher to "keep hands off" Pablo Neruda. What could such a step mean—stupidity, posturing, naïveté? Since that time its authors have repeatedly been asked about their attitudes toward the events in Chile. As it turned out, the evaluation of Sakharov, Maksimov, and Galich of the Pinochet regime essentially put them in the dismal (however motley and ill-assorted) company of the protectors and supporters of the junta.

Volker von Törne, a writer in West Berlin, during a conversation with Maksimov, asked him about his attitude toward the events in Chile. Von Törne asked Maksimov "why he and his friend Sakharov had not condemned the crimes of the fascist junta". Here is the answer that followed: "The policies of President Allende and his Unidad Popular were contrary to the Constitution of Chile and threw the country into economic and moral chaos. In *restoring normalcy* (!) the military resorted to certain measures that they do not support." We have intentionally given a word-for-word record of Maksimov's answer to interviewer Volker von Törne.⁵⁴

Maksimov speaks sanctimoniously of the "chaos" into which Allende's policies supposedly plunged the country. By "chaos" he means those years when, in that lovely, narrow strip of land between the Andes and the ocean, the Antarctic and the equatorial wilderness, the labor of miners and gardeners, the exact calculations of engineers and architects, and the clear minds of scientists and artists, united by the Unidad Popular created a

basis for independent social and economic development in Chile.

On September 11, 1973, the constitutional government of President Salvador Allende was overthrown by force of arms; the orderly process of development was interrupted by mass political terror in Chile. Three days later, Pablo Neruda finished his deeply sincere book of memoirs: *Confieso que he vivido*. On the last page of his book, which is at once the life of a poet and a magnificent chronicle, Pablo Neruda wrote: "Allende's actions as a whole, which had an inestimable value for the Chilean nation, infuriated the enemies of the liberation of Chile."

Judging by Maksimov's reaction, those actions infuriated him as well. Maksimov termed the establishment of the bloody regime of the fascist military dictatorship "restoration of normalcy".

The movement for solidarity with the people of Chile was truly worldwide; the strength that it attained is well known. The world community was stunned by the massive use of torture, outrages against wives and mothers, cynical reprisals, and secret arrests. The scope and representative character of the movement of solidarity with the Chilean people were due chiefly to the fact that the crimes of the fascist military junta were a challenge to the conscience of all of the upright people on Earth, of all people of good will, who remember well the lessons of history about the dangers of fascism, precisely about the *universal* dangers of fascism.

Of course the concrete manifestations of fascism are varied. But its anti-human nature is unchanging. The execution of Victor Jara, before which his delicate fingers were broken, and the murder of Federico García Lorca are criminal acts against humanity equal in their vandalism and inhumanity. Fascism will always be a crime against humanity, against reason, against culture, against civilization.

No upright person in any country should, or can, remain silent when black events, born of fascism, are woven into the broad, bright band of history. Buchenwald, the concentration camp on Dawson Island, Oradour, Villa Grimaldi (that torture center in far-off Santiago), the Gestapo, and DINA (Pinochet's secret police)—these anti-facts, or anti-symbols in history, as we might call them—are all equally manifestations of fascism. Thus

the fight against fascism in Chile is the fight against the danger of germination of the embryos of fascism, extremist reaction, and political terror in every country on Earth: in every country, no matter how many thousand miles or kilometers separate it from your home. Silence means neutrality. And neutrality in the fight against fascism is equivalent to collaboration.

When Sakharov was asked about his position, his answer went: "Chile is too far away. For that reason I cannot express a personal opinion on that question."

Camus once said that in our times the blind and naive become, in essence, collaborators. In this connection the bitter words of Bishop Helmut Frenz come to mind. Bishop Frenz was the head of the Lutheran Church in Chile. In 1975 the military junta drove him out of the country for helping victims of political repression and their families. At that time Bishop Frenz stated that "whoever affirms that human rights are respected and that the people in Chile are living better now than under Allende's government is lying and becomes an accomplice of the oppressor."⁵⁵

It is a paradoxal irony that many of the little band of dissidents do not hesitate to commit anti-social acts, or even crimes. In doing so they try to crown themselves with the laurels of fighters for justice and protectors of human rights. These are people ready to step lightly across the line of what is allowed by society, ready to ignore society's opinions on matters of justice and morality, law and democracy.

Do these people, whom Western propaganda tries to depict as fighters for human rights, help in furthering the development of socialist legality, in the many-faceted process of the day-to-day implementation of the principles of socialist people's democracy? The only possible answer is utterly unambiguous: no.

They have been driven into blind alleys of history—some by false pride and a craving for popularity (even if it be only overseas), others by their own spite, hostility, and hatred. From such a vantage point they cannot see, and do not know, reality.

The dissidents' criticism of socialism is unquestionably hostile. Their hostility, furthermore, relates to basic questions.

The quintessence of such criticism was formulated in the pages of *Kontinent*, a libellous emigré-dissident journal, as fol-

lows: "Marxist ideology is the evil-smelling root of contemporary life in the Soviet Union; only after we have torn it out can we find a road to humanity." This dissident credo was set forth by none other than Alexander Solzhenitsyn.

Solzhenitsyn became known as an extreme reactionary—in all perspectives and manifestations shortly after the West got closer acquainted with him.

Solzhenitsyn's position on matters of international relations appears quite clearly in the fact that he was ready, as late as 1974, to call for escalation of the American intervention in Vietnam. Solzhenitsyn is, in truth, further right than the right wing in the USA!

Not long ago *The New Yorker* magazine, in its "Talk of the Town" section, informed its readers that as soon as Solzhenitsyn came to America and started to appear in public there everyone saw that he was no political freedom fighter. The journal wrote, "While Alexander Solzhenitsyn remained in the Soviet Union, it was possible for us in the United States to regard him as a marvellously steadfast believer in political freedom, but now that we have him here in our midst . . . we have had to revise our impressions."

Once they had crossed the border and stripped off their masks, many of those whom the Western press had vainly tried to depict as "merely unorthodox" turned out to be open traffickers in hate and enemies of everything progressive and democratic.

Andrei Amalrik, a man who dares to call himself an historian, tries to stand out even in such company as this with his impudent stunts. Can a man whose heart is filled with hatred for his own country be an historian? Amalrik's book *Can the Soviet Union Survive Until 1984?* appeared in Zurich in 1970. The posing of that question represented nothing really new. More than once or twice in the past sixty years, Cassandras have appeared among political figures and publicists of various stripe and caliber who forecast the imminent downfall of the Soviet government. They have all been unconditionally consigned to oblivion. Amalrik decided to go them one better: he predicted not only the collapse of the Soviet government, but of all government in Russia and, what is more, in 1984. In his libellous book Amalrik wrote: "About ten years ago I was writing a work

on Kievan Rus; for reasons beyond my control I had to abandon my research into the beginning of the Russian state. As an historian I now hope to be rewarded a hundred-fold by being a witness to its end."

It is hard even to believe that a publisher could be found who was willing to print such paranoid gibberish. How else can one call Amalrik's blasphemous characterization of the USSR as "a country without faith, without tradition, without culture, and without the ability to do anything right"? But as it turned out, not only were there publishers ready to print Amalrik's production, but also others were found who were willing to finance him in the hope that he would create another such "sensation". According to a report in the West German newspaper *Düsseldorfer Nachrichten*, an American publishing house signed a contract with Amalrik guaranteeing him a supplementary income of fifty thousand dollars a year as payment for a new production.

For some of the dissidents who try to pass themselves off as experts in history the role of prophet and proclaimer of catastrophe, ruin, and destruction exercises the greatest attraction.

Others would like to change the course of history, to fix its clock, as it were. In the spring of 1979 a "discussion" was held among the dissidents on prospects in contemporary Russia (!) of the slogan "Back to February!". Unbelievable as it might be, they actually debated the question of which moment the hands of history's clock should be set back to: to February 1917, or . . . I cannot decide whether such a discussion is tragicomic or merely depressing. For Alexander Solzhenitsyn, half measures like "Back to February!"—back to the Constituent Assembly, to Prince Lvov, and to the provisional government under Kerensky—are not nearly enough. If the hands of the clock can be twisted, then let us twist! His ideal is the God-fearing autocrat of all Russia.

One remembers an extraordinary event that occurred in the summer of 1978. Solzhenitsyn was invited to speak at Harvard University. But instead of the expected hymn to Western democracy, Solzhenitsyn made a scorching denunciation of the American way of life. His remarks might not have produced such a dramatic reaction in the USA itself were it not for one circum-

stance. The crux of the matter was that Solzhenitsyn criticized American democracy from an extreme right-wing position. What is wrong with democracy in the West, according to Solzhenitsyn, is not the lack of provisions ensuring rights and freedoms. No indeed. Democracy there, he says, grants too much freedom, and encourages free thinking. For Solzhenitsyn the ideal, the highest goal of a social and political system is "submission to authority". Everything is based on that. There is nothing wrong in oppression, violence, or coercion. What is important is submission; even more important is the subordination of secular authorities to the authority of God. Thus Solzhenitsyn is ready to idealize the regime of the God-fearing autocrats. In the days when there was greater respect for religion, autocrats felt themselves responsible before God, Solzhenitsyn maintains. His resounding conclusion is that authority today is dangerous precisely because of the difficulty of finding a higher good to which it is subordinate.

Solzhenitsyn's remarks caused outrage and embarrassment.⁵⁶ Enthusiastic applause was immediately heard from overt reactionaries and chauvinists. Even the apologists of American democracy, even the semi-official ideologues of the prevailing political system of the USA, usually shun the likes of these. Solzhenitsyn's absolute, total, and unconditional opposition to democracy was too obvious.

In early 1979 right-thinking people everywhere were supporting the continuation of the SALT-2 talks, and urging speedy conclusion of the corresponding treaty between the USSR and the USA; they saw it as an extremely important element in the limitation of the arms race. But Solzhenitsyn hastened to add his voice to the chorus of the opponents of detente and the lessening of international tensions.

In an interview with BBC correspondent Janis Sapiets broadcast on February 18, 1979, Solzhenitsyn once again tried to frighten the world with the "danger of Communist aggression". He repeated the most primitive cold war slogans.

In the teeth of the absolute determination of the overwhelming majority of the world community to stand for peace, of their conviction that peace can, and must, be maintained, Solzhenitsyn asserts that a new war is inevitable. "It is clear that we are

heading toward a world war, but the officials of Western governments lull themselves by cherishing illusory hopes for detente," Solzhenitsyn maintains.⁵⁷

There is nothing surprising in Solzhenitsyn's expression of such a position. His "indestructible anti-communism" (in the words of the French monthly *Le Monde diplomatique*) explains this side of his propaganda activities as well.⁵⁸ Solzhenitsyn sees the questions of war and peace, of the fate of hundreds of millions of people, exclusively through the dark glass of the possibility of restoring the monarchy in Russia.

Thus Solzhenitsyn is exasperated by those Americans who want to "make peace with the Communists". They and the Communists are united in "materialism and atheism", he declares. Solzhenitsyn notes dejectedly that under such conditions it is useless to look for help from the West. And so, only world war remains. No peace! No detente!

From Dissent to Opposition....

Psychological warfare strategists are reluctant to reveal their aims as far as dissidents are concerned. It is indiscreet fellow travelers that usually let the cat out of the bag. At one of the noisy roundtable discussions in Venice in late 1977, an optimistic long-term plan of using dissidents was formulated by Rossana Rossanda, editor-in-chief of the left-opportunist weekly, *Manifesto*. She said that in Eastern Europe it was time to pass "from dissent to opposition, from opposition to political struggle".⁵⁹

From dissent to opposition. Those who inspire and manipulate dissidents think in such terms in their attempts to show that dissidents are not a handful of outcasts but a serious phenomenon, at least numerically. This is what is behind the speculation about the number of dissidents, "victims of persecution and prisoners of conscience" in the Soviet Union.

The most remarkable figure-juggling was performed by Amnesty International in 1975. On November 17 at a special press conference in London its spokesman announced that Amnesty International had the exact number of those imprisoned for

their beliefs in the Soviet Union. He said it was an exaggeration to claim that there were tens of millions of prisoners in the Soviet Union. What figures did Amnesty International quote and how did it get them?

Eighteen years before the report was published, Harold Berman, Professor of Law at Harvard, visited the USSR Deputy Procurator-General and asked him about the ratio of those convicted for crimes against the state (for *all* crimes in that category) to the total number of prisoners. The answer was: "Less than one per cent of the total number of prisoners." Professor Berman published his account of the talk, and self-styled Amnesty International experts used the information in their own way.⁶⁰ They reasoned that they should take one per cent of one million. Why one million? Because when the CIA once studied satellite photographs of the Soviet Union, it decided to identify objects that looked like penitentiaries. These were marked and their capacity was announced to be two or three million people. Amnesty International modestly said that two or three million was "in all probability" too many, one million would perhaps be closer. One per cent of one million is 10,000. Hence the "absolutely reliable" figure: 10,000 people imprisoned for their beliefs in the Soviet Union. It does not take a criminologist or an expert in statistics to realize the absurdity of such calculations.

The figure stuck, just as Amnesty International expected: an impressive round figure looked reliable. Soon Peter Osnos of *The Washington Post* quoted it in his report from Moscow, although he briefly mentioned Amnesty International. Then it was quoted by a French journalist in an account of his trip to the Soviet Union. This time the article said Amnesty International had the figure from information supplied by the USSR Deputy Procurator-General. This closed the circle of misinformation.

A few years later though, Amnesty International practically admitted that it manipulated figures to arrive at the desired result.

In December 1978 Amnesty International reported that in the past three years more than 230 people in the Soviet Union had been persecuted for the "non-violent exercise of their hu-

man rights".⁶¹ Leaving aside the dubious logic of the phrase, the figure did not and could not have any factual basis. The interesting thing is that Amnesty International considerably toned down its claims.

These figures have a twofold aim: on the one hand, to paint a grim picture of widespread persecution, and on the other, to appeal to logic (if there can be any logic in lies): if thousands or hundreds are convicted for their beliefs, then the number of dissidents is several times greater, since not all of them are known to the punitive agencies.

This must have been the logic that prompted Bernard Guetta of *Nouvel Observateur* to stun his readers. In July 1978 he wrote that the dissident "movement" in the Soviet Union had "managed to mobilize over 3,000 people who are personally involved".⁶² The logic is the same: Amnesty International also says there are 230 convicted dissidents. Multiply the figure by 10 or 13 and you get the number of members of the "movement".

Le Monde went the same way when it speculated about the different trends of dissent in the Soviet Union. Dissidents, it said, include liberals, pessimists, neo-Marxists, neo-Stalinists, nationalists, scientific democrats, etc.

The *Nouvel Observateur* figure of 3,000 is infinitesimal compared to the 260,000,000 Soviet people. But even this small figure, or 2,000 or 1,000 is not right. There is no more than a handful of people, almost all of them are publicized in the West, and this publicity is precisely what they want. Nobody pays any serious attention to them in the Soviet Union. But the dissidents do not care. All they want is to have their names mentioned in foreign propaganda broadcasts or for Senator Henry Jackson to speak in their "defense".

To create an impression of the diversity of the movement "for human rights and democracy in the Soviet Union", the dissident uses the classic comedian's trick, changing his guise to play several roles. Andrei Sakharov, for example, has for almost a decade been involved in various pseudopublic organizations with the cast virtually unchanged. The signboard changes to suit demand on the foreign market. A Soviet "national organization" of the International League for the Rights of

Man, for example, changed into an Amnesty International section.

After the Final Act on European Security and Cooperation was signed in 1975, the producers of the show decided to shuffle the cast. On May 12, 1976 they announced the formation of the Group for the Observance of the Helsinki Agreements. This time the group included Yuri Orlov, Anatoly Shcharansky, Pyotr Grigorenko and other familiar names, but not Andrei Sakharov. Yelena Bonner, his wife, joined instead.

More responsible Western observers admit that despite the dissidents' efforts to produce the maximum noise they are a very small group. Robert Kaiser of *The Washington Post*, earlier a Moscow correspondent of that newspaper for a number of years, says they are "a tiny band".⁶³

Repression for Dissent or Punishment of Crime?

We do not intend to argue with dissidents.

Debate and repression are two different things.

Are dissidents punished for *convictions*? Absolutely not.

But when a Soviet citizen is tried for a criminal offense and convicted in full accord with the law, Western mass media often present this as violation of human rights and suppression of dissent.

In the summer of 1978 there was a particularly noisy campaign over the trials of Yuri Orlov and Anatoly Shcharansky.

Orlov and Shcharansky were said to have been victimized for opposition to the Soviet human rights policy. Western propaganda claimed it was a crackdown on those who demanded that the Soviet government should implement the Final Act of the Helsinki Conference. Tried and proven methods of massive psychological warfare were used to provoke a mass outcry over the two defendants, who were portrayed as innocent victims persecuted for their dedication to human rights.

What did really happen? First, what were the charges against Orlov?

From 1973 to 1977 Orlov had been *deliberately* fabricating and disseminating information he knew to be false to defame the Soviet political system and undermine its prestige.

This is a criminal offense under Soviet law (Criminal Code of the Russian Federation, Article 70, Part I). These were neither occasional nor fortuitous, but systematic and deliberate acts. Acts, not dissenting views.

Just as he intended, Orlov's fabrications were widely used in the West by those who would like to wreck detente and hamper the genuine implementation of the Helsinki Final Act.

When he supplied Western mass media with his inventions, Orlov knew how they would be used. He also sent them to White emigré organizations and to the Munich-based wartime traitors.

Orlov scorned the repeated requests and warnings addressed to him long before his arrest, which showed that his activity was premeditated. His *intent* (duly proven) to malign Soviet home and foreign policy and damage the country's international prestige proves that his acts were a premeditated criminal offense.

The court studied various evidence (documents, testimonials, experts' conclusions) which confirmed that the many memoranda, appeals and statements addressed by Orlov to Western propaganda centers contained deliberately false information creating the impression that human rights and the Helsinki accords were being violated in the USSR.

For example, Orlov portrayed people who, as he was fully aware, were convicted for ordinary criminal offenses (larceny, bribery, theft of firearms)as "victims of political persecution".

Orlov made up stories of a dockworkers' strike in Riga and of its organizers' severe punishment for a particularly dangerous crime of state. An investigation showed there had been no strike and the reports were totally fictitious.

Orlov understood perfectly well who would use each of his fabrications and to what end. The tale of the Riga strike (*Appendix to Document 7*), for example, led to the formation in the West of committees "to aid convicted Riga dockworkers".

Orlov made up lists of people who, he alleged, were being

denied permission to emigrate. An investigation showed that these people had either left the country or never had any intention of leaving.

There is clearly no need to recapitulate all of Orlov's fabrications. Fictitious names and events, distorted facts and deliberate libel were aimed at satisfying the demand for sensational stories of this kind.

Orlov's material was used by those who opposed detente and tried to stifle the spirit of Helsinki, which proves that his subjective and deliberate activities were *objectively harmful*.

He had joined the campaign of those who professed to protect the Helsinki Final act, while in fact trying to undermine it.

Now about Shcharansky: what he was tried for, what he was not tried for, and why he was convicted.

To begin with, Shcharansky was responsible for fabricating and disseminating the libel he had signed together with Orlov, aimed at eroding the prestige of the USSR. On these grounds alone he could be tried under Article 70 of the Russian Federation's Criminal Code, which makes deliberate fabrication and dissemination of slander to discredit the Soviet political system and undermine the interests and prestige of Soviet power a punishable offense.

Orlov, Shcharansky and a handful of their accomplices made up and distributed materials to aid in the broad propaganda campaign aimed at distorting Soviet home and foreign policy. With their authors' consent, these materials were circulated abroad. During my visit to the University of Bologna Magister Faculty in Strada Maggiore I was shown a set of 20 "documents" by the Orlov-Shcharansky group. Each was reprinted in Italy, at Studio Ega Congressi, 19 Viale Tiziano, Rome, and sent to the mass media, public organizations, universities and politicians.

It follows that Shcharansky, like Orlov, was tried not for his beliefs or disbeliefs, but for deliberate acts performed with full knowledge of the effect they would produce.

In 1973, a few months after his graduation, Anatoly Shcharansky, a young electronics engineer, decided to leave the Soviet Union, the country that had given him a free education. During his studies he had come in contact with temporarily classified

data in his field of applied physics. Shcharansky was admittedly a novice and the secrets he possessed were not very important, although any classified information, however insignificant, is nevertheless a state secret. Shcharansky simply had had to wait until the temporary moratorium expired, and in all probability he would have been free to go where he pleased.

But Shcharansky decided to spend the waiting period committing criminal acts. At the trial, he was convicted for spying. Spying consists of two things: collecting information classified as state or military secrets, and transfer of such information. Both these elements were manifestly present in Shcharansky's activities.

By questioning a considerable number of persons he tried to collect information about the location of defense industries and other classified agencies, about their operation, research and products. A circumstance aggravating responsibility was the systems analysis and classification of information. Experts who studied the data collected by Shcharansky testified at the trial that "*in their entirety* the data constitute a state secret of the Soviet Union".

Soon after Shcharansky's trial I met with two Quaker public activists. They had come to the Soviet Union armed with a weighty file on human rights issues. Among the numerous newspaper clippings were some that extolled Shcharansky as an "active dissident" victimized for his beliefs. There was not a word about his criminal activities.

I told the visitors about the charges brought against Shcharansky and asked them how similar acts would be treated under the law of their countries—collecting and processing classified information on the professional activity of several hundred people, and passing this information abroad. The visitors promptly answered that such acts would be in violation of the British Official Secrets Act of 1920 and a similar US law.

When the Cup Runs Over

The West sometimes raises an outcry over measures taken by Soviet society to protect itself from acts that are damaging to its prestige and security.

This uproar turns an obvious and natural public response to an offense committed by a dissident into what looks like a serious international problem. The scale of values is distorted and, like the "Sakharov case", the issue is used to obscure genuinely important and topical issues.

Some dissident "champions of human rights" claim immunity before law, although they systematically commit deliberate acts either punishable by law or balancing between a criminal offense and what is socially opprobrious but not strictly illegal. By openly spurning both law and public opinion, they acquire the syndrome of "elitist solipsism"—a belief that an exceptional individual is free to do anything he wants.

In Andrei Sakharov this syndrome is compounded by abnormal vanity. He also believed that the law would not dare touch him because of his uniqueness.

And when the patience of the Soviet public reached breaking point and measures were taken to prevent Sakharov from exporting anti-Soviet slander through foreign correspondents accredited in Moscow and through special couriers, the hypocritical chorus of Sakharov's defenders was obviously amazed: how dare they infringe on the absolute freedom of a man who is "untouchable"?

The treatment of Sakharov in January 1980 was lenient: it took into account his past accomplishments and, on humanitarian grounds, he was not prosecuted but offered a place of residence outside Moscow, in the city of Gorky, a major industrial and scientific center.

I am sure my readers remember the outcry raised in the West in response to this measure. But I am not sure whether they noticed the incredulity one could frequently feel in these protests. Kremlinologist Pol Mathil of the Brussels *Le Soir* wrote that Sakharov was thought invulnerable. *Le Monde* of Paris said the same in its editorial.

Both Sakharov and his Western sponsors have long been blind to the equality and equal responsibilities of all citizens before law—a principle that is an organic element of the rule of law in the Soviet Union.

Western mass media have carefully built up a publicity-oriented image of Sakharov which either conceals or distorts his

true personality. He is portrayed as a noble-hearted champion of peace and human rights, a selfless and self-sacrificing man who spurns material wealth, a dedicated supporter of the Helsinki Final Act, freedom of information, and the truth.

Each detail of this image conceals a diametrically opposite quality. Here we are dealing with a striking knot of paradoxes.

Paradox One. Sakharov has long professed to promote the Helsinki principles. In actual fact, he systematically worked to undermine the very concept of European security and cooperation. For many years he practically opposed the Soviet policy of peace, detente and arms limitation.

Sakharov rejected the concept of detente shared by those who genuinely support international cooperation and security.

Detente is inseparably linked with the ten principles of relations among states set forth in the Final Act. A realistic interpretation of detente necessarily implies recognition of the existing regimes and of the principle of non-interference in the internal affairs of other countries.

Sakharov declares that this is "false detente", "detente of surrender". He sees the "only way to the salvation of mankind" not in peaceful coexistence but in the convergence and final merger of social and political systems. But it is common knowledge the philosophy of convergence implies that socialism must surrender to, and dissolve in, capitalism.

In spirit, and even in wording, Sakharov's views often coincide with those of the most aggressive hawks in the United States. For example, in describing Soviet foreign policy, Sakharov stresses that the Soviet Union "threatens not only its own people and its neighbors but the entire world".

It appears that Sakharov's long-time efforts to distort the peaceful foreign policy of the Soviet Union reached their peak in early 1980. Together with Western militarists, Sakharov termed the fraternal assistance rendered to the Afghan people on their request to safeguard their revolutionary gains as "arbitrary acts to launch an unjust war".

He sees the operations of Soviet troops to protect the interests of the mass of the Afghan people against a handful of counter-revolutionary rebels armed and directed from abroad as a "ruthless war against insurgents, against the Afghan people". Sakha-

rov turns things inside out and equates counter-revolutionaries with the Afghan people.

He is always calling for interference in the internal affairs of the Soviet Union.

His appeals for "pressure on the USSR" (see, for example, the November 28, 1979 issue of *Le Figaro* covering his talk with Christian Pierret, a French member of Parliament) are essentially designed to break down the policy of restraint and cooperation.

Sakharov's appeals to the United States to build up armaments to secure positions of strength for talking with the Soviet Union may be qualified as betrayal of national interests. His contribution to the slanderous "Soviet threat" scare means that he has also betrayed the interests of millions of people all over the world who strive to preserve the climate of trust and impartiality necessary for peaceful coexistence and understanding.

When Sakharov declares that the Soviet Union is "waging extensive demagogic campaigns in Europe to consolidate its military superiority", he is actually joining the propaganda campaign aimed at justifying the notorious December 1979 NATO decisions to deploy new medium-range missile systems in Western Europe, thus upsetting the balance in favor of NATO.

Paradox Two. Sakharov lays claim to being a herald of progress. One of his opuses is facetiously called "Reflections of Progress, Peaceful Coexistence, and Intellectual Freedom".

Yet, he supports institutions, regimes, and persons who deny progress and embody reaction.

Remember his stand on Chile.

Remember his regret that the South Vietnamese regime was defeated and the US aggression in Vietnam failed.

And remember his 1973 message to US Congress hailing the notorious Jackson Amendment that torpedoed normal, mutually beneficial commercial ties between the Soviet Union and the United States.

Paradox Three. Sakharov pleads for true information and stigmatises misinformation. In fact, however, he is himself a source of extensive misinformation about the Soviet Union.

His activity in this field is deliberate and planned, and de-

signed to damage the reputation of the Soviet Union and undermine confidence in its home and foreign policy.

This purpose was served by the deliberately slanderous nature of the misinformation he supplied to the world market. His slander was designed for use by the Western press in order to distort the truth about the Soviet Union.

Take Sakharov's involvement in organizing political and propaganda provocations against the Soviet Union with the active and immediate participation of extreme adventurist emigré elements. This applies to the Sakharov Hearings held in Copenhagen in 1975, Rome in 1977, and Washington in 1979.

False information staggering in scale and perversity piled up mountain-high at these "hearings".

Sakharov determined the main channels for the gathering, accumulation and dissemination of slander. The organizers of the Copenhagen "hearing" he charged with this specific task, among others: to refute the information circulated "in the outside world . . . concerning the real economic conditions of working people. . . , the hospitals, education, and housing problems" in the USSR. Sakharov deliberately attacked the truth about the social and economic achievements of socialist society. He knew he was lying, for example, when he said that "the number of working hours in order to earn their living is much greater in the Soviet Union than in any other European country" (from Sakharov's message to the Common Committee of East Exiles).

Yet, the truthful information supplied by the Soviet media about life in the USSR, about the dependably guaranteed and exercised social and economic rights of Soviet citizens is that very background that helps shape the impression of Western readers about the life of Soviet people. It was to destroy this background that Sakharov became involved in the "hearings" to which he gave his name.

Many meaningful areas in the life of Soviet society, like the solution of the national problem and the situation of believers in the USSR, were targets of Sakharov's slanderous forays. Much of Sakharov's misinformation was directed to distorting the exercise of justice in the Soviet Union.

Typically, items directly produced by Sakharov or with his participation or knowledge, are mostly carbon copies of the anti-Soviet propaganda fakes concocted at overseas centres hostile to the Soviet Union. A close study of items signed by Sakharov shows that many were mere translations of overseas material, sometimes retaining turns of phrase and abbreviations common to English-language Sovietology but alien to the Russian language.

Sakharov's protectors say he is being persecuted for exercising the freedom of information, and that this is a violation of the provisions of the Helsinki Final Act.

To begin with, the freedom of information was never conceived, nor could be conceived, as a right to abuse this freedom. To use the freedom of information for slandering, defaming, and spreading misinformation about the social and political realities of one's country is rank abuse of the idea of freedom and a distortion of the social purpose of information.

A man who engages in misinformation, a slanderer, ring-leader and warrior against detente, a man who campaigns for international tension and in so doing uses the umbrella of the Helsinki Final Act is himself guilty of breaching the letter and spirit of that Act. Doubly so if his abuse of the freedom of information is maliciously aimed against the interests of his own people.

Sakharov had freedom of action for a long time.

In effect, for foreign journalists he was the principal source of information or, more precisely, of the misinformation essential for maintaining the hostile tone of an unfriendly, anti-Soviet press. When an American journalist representing a leading Washington paper in Moscow was asked how often he sent dispatches to his home office, he replied without hesitation: "That depends entirely on Sakharov."

As noted by *Le Soir* Sakharov had "virtually unlimited access to the columns of the Western press".

All his activity was intended for, and beamed to the West.

He used members of his family as messengers: his wife Yelena Bonner was in Italy during the "Sakharov hearings" in Rome in 1977, and his foster-child Tatiana Yankelevich for-

warded his message to an analogous gathering in New York in 1979.

Sakharov deliberately sought contacts with elements that are actively nourishing plans of an anti-Soviet crusade. The Danish newspaper *Information* once mentioned this, calling attention to the fact that he permitted his name to be used by out-and-out anti-communist and anti-socialist organizations *El Mercurio*, a paper of the Chilean military-fascist junta, took special pleasure in publishing Sakharov's material and portraits.

Frequently, Sakharov's "contacts" reached into spheres of information that had nothing to do with ideology. They concerned the immediate interest of the Soviet Union in safeguarding the security of the state and protecting state secrets.

The time came when Sakharov's opportunities to continue his activity damaging the reputation of the Soviet state and the interests of the Soviet people, had to be restricted. Despite the variously and repeatedly substantiated grounds for criminal proceedings against him with possible criminal punishment, the measures taken were much more moderate.

A Mini-campaign About Defense and Defenders

The publicity for the Orlov and Shcharansky trials was also kept up through a minicampaign on the need for *foreign* lawyers to defend dissidents in Soviet courts. It was asserted that only Western lawyers could defend them properly.

Countless conditions and arguments were invented to support this claim. It was alleged that Soviet lawyers could not effectively defend a dissident because many of them were Communists, because lawyers were not independent, and so on.

There was even talk of not just a foreign lawyer, but a Jewish one, and a believer at that, to defend Shcharansky. Some added that it would be best if the judge were also a Jewish believer. The British MP Glenville Janner, talking to Soviet lawyers at Westminster in June 1978, asked: "Are there Soviet judges practicing Jewish faith?" This logic was that a Jewish defendant

should have a Jewish judge if equality and justice were to be guaranteed.

Mr. Janner did not like our answer. We told him that many Soviet lawyers were Jewish, especially attorneys and especially in Moscow. But, we said, one could hardly find a Soviet lawyer or judge practicing any faith, be it Russian Orthodox, Catholic, Protestant, Moslem, Jewish or any other.

The same logic was evident in demands for "friendly" lawyers. In a presentation made in Washington, D.C., US lawyers Leo Nevas and Amy Augustus said that when known dissidents were brought to trial on criminal charges, the Soviet court did not provide them with proper defense. They maintained that a member of the College of Advocates was inevitably "hostile".

The division into friendly and hostile is arbitrary, especially when applied to the emotional relationship between defendant and lawyer. One can hardly expect a lawyer to like, or be friends with, all his clients. As to the claim of hostility, it is clearly absurd and professionally incompetent.

The relations between a defendant and his lawyer are based on trust. This is essential for *freely* choosing a lawyer. The important thing is not the lawyer's emotions but his professional competence and integrity.

What then do the American lawyers mean by an attorney's hostility? "Hostile attorneys," they claim, "have refused to comply with their clients' wishes to summon witnesses and to appeal."

As to summoning witnesses or, more precisely, petitioning the court to summon additional ("new") witnesses, the first thing is that the attorney may consider it unnecessary to call this or that additional witness even if his client thinks it should be done. This is part of the attorney's procedural independence. The important thing, however, is that criminal procedure (Article 276 of the Code of Criminal Procedure of the Russian Federation) envisages petitions for additional witnesses both from the defense counsel and from the defendant himself, i.e. *the defendant may do so on his own, contrary to his lawyer's opinion*.

With regard to appealing against the sentence, the assertion that the attorney's hostility may prevent the defendant from ap-

pealing is also incompetent. First, it is impossible for a lawyer in a court of the first instance not to appeal the sentence if the client so wishes. This would be a violation of elementary legal ethics and of the responsibilities the lawyer assumes when he undertakes to defend a client.

Besides, the defendant may appeal against the sentence on his own, without the lawyer's assistance (Article 325 of the Code of Criminal Procedure of the Russian Federation). Under Soviet law, the procedure is simple and straightforward, quite unlike the complicated legal rules in many bourgeois states that practically bar the defendant from appealing.

The well-orchestrated campaign for foreign lawyers at Soviet trials reached its climax when newspapers reported the names of self-appointed foreign lawyers. They were John Macdonald from Great Britain, Alan M. Dershowitz and Edward Bennet Williams from the United States, and Roland Rappaport, Louis Petiti and Daniel Jacoby from France. These lawyers indignantly told newsmen that their right to defend had been denied.

Let us examine the legal grounds for their demands.

First of all, it is common knowledge that there are no universal instruments of international law providing for the right of a lawyer to act in a foreign trial, or for any obligation of a court to admit a foreign lawyer as a defense counsel.

True, there are bilateral agreements on mutual legal assistance which provide, on a reciprocal basis, for a lawyer from one country to act as an attorney in the other country's courts. The Soviet Union has such agreements with several socialist countries.

Soviet legislation clearly states who may defend the accused in court. Article 47 of the Code of Criminal Procedure of the Russian Federation stipulates that defense in a criminal court may be conducted by an advocate or a representative of a trade union, or another public organization. Under the Law on the Bar (passed in 1979), an advocate is a member of the College of Advocates, i.e., a person possessing legal training and belonging to the professional association of advocates. The Soviet Constitution, which provides for the right to be defended in court, states that "colleges of advocates are available to give legal assistance to citizens and organizations" (Article 161).

It follows that there are absolutely no legal grounds for foreign lawyers' demands to be admitted as attorneys in Soviet courts.

While on the subject of such claims by British, French and American lawyers, we might note that in a number of Western countries there even exist restrictions for their own professional lawyers. In the United States, a lawyer admitted to the bar of a State may not have the right to plead in Federal courts. In France, while most attorneys belong to independent advocates' orders attached to courts of appeal, there is also the Order of Advocates at the Council of State and the Court of Cassation whose members are admitted to plead in these two bodies. In Great Britain, lawyers are divided into Queen's Counsels and barristers (members of an Inn of Court), on the one hand, and solicitors with no right to speak as advocates in higher law courts, on the other.

Let us now assume that a foreign lawyer has been admitted as an attorney to a Soviet court and consider what practical legal assistance he can offer his client.

Everything points to the impossibility of any such assistance. A foreign lawyer who does not speak the language of the court cannot provide any proper defense. A defendant who does not speak the language of the court is always assigned an interpreter. But how can an attorney speaking a language not known to the court, plaintiff and defendant function at the trial if he cannot examine the case in advance, follow the proceedings, or communicate with his client? The language barrier alone would preclude any meaningful defense.

The clamor about foreign lawyers seems to have been raised simply for the sake of publicity. Besides, this minicampaign looked very much like an attempt at direct interference in Soviet legal proceedings. For example, on June 7, 1978, when the British Parliament was debating foreign policy issues, Labour MP Glenville Janner proposed that the British government send a representative to a Soviet trial of dissidents.

Almost all the foreign lawyers who appointed themselves attorneys in the 1978 cases dealing with dissidents had by that time taken part in noisy anti-Soviet gatherings. Most of the people we mentioned had spoken at the so-called Second Sakharov

Hearings on Human Rights Violations in the USSR, held in December 1977.

In other words, foreign lawyers who were not familiar either with the charges or the evidence or even with statements of the accused, had been involved in propaganda before the trials opened. Such conduct alone violates professional ethics and makes these lawyers unacceptable.

Both before and after the trials many self-appointed attorneys made insulting public statements which could only be described as contempt of court. A lawyer who, like Roland Rapaport, has no respect for the court structure and proceedings, who publicly ridicules the principles of justice, thus forfeits his chance of pleading in this court.

98.4 per cent

Peter Osnos who replaced Robert Kaiser as *The Washington Post* correspondent in Moscow, published a series of unusually long feature articles about the Soviet legal system.

Concluding his series of four articles, Mr. Osnos held forth on who and for what "political reasons" was persecuted and convicted in the Soviet Union. "Democrats" (Osnos's term for dissidents) naturally headed the list. These cases we have already covered. Then came "religious activists" and then those who were allegedly treated as criminals because they wanted to emigrate to Israel.

The article maintained that "in practice, arrest on any of the charges normally leveled against . . . Jews seeking to emigrate is tantamount to conviction".

There is nothing novel about these allegations. They are Mr. Osnos's contribution to the escalating misinformation about Soviet Jews or, more precisely, the small part of Soviet Jews who have decided to leave the USSR—sometimes to reunite with their families, but mostly under pressure of Zionist propaganda.

For almost a decade a well-organized campaign has been raising this issue to the pitch of hysteria. Countless booklets have appeared with eye-catching titles like *Let My People Go*. In the

United States, Congress has been allocating millions of dollars to encourage emigration from the USSR. Usually, the misinformation campaign is especially loud at times of anti-Soviet Zionist gatherings, like the two World Conferences on Soviet Jewry in Brussels.

Is it true that Soviet Jews wishing to emigrate to Israel are sent to jail, as Peter Osnos claims? Are Menachem Begin, Arthur Goldberg, Lord Janner and sundry US Senators really acting out of compassion when they dramatize the plight of Soviet Jews in their pronouncements at the Brussels Palais des Congrès? Or is it just a well-staged, well-organized and well-financed show?

I thought about the hypocrisy of this campaign while watching a truly tragicomical scene at the Moscow Sheremetyevo Airport and then on the Vienna flight. Among a group of emigrants bound for Israel via Vienna there were two ladies who could well have outmourned the mourners from a classical Greek tragedy. But the effect of the sobbing was destroyed when one of the ladies solicitously patted her Pekingese. She was leaving her country with a heavy heart. In all likelihood, she was leaving behind those who she felt were her friends. Among them there must have been Russians, Jews, Ukrainians, her colleagues and neighbours who had always treated her as their equal, without any prejudice. She was leaving for an alien world. It was late October 1978. She was the 16,991st emigrant that year.

By 1978, some 170,000 people had left the USSR since emigration to Israel began in the postwar years (the exact figure by September 1978 was 168,000, including children under 16).

Only 1.6 per cent of all those wishing to leave were refused permission.

Of course, those who are interested in the maximum influx of human resources to Israel (the work force to colonize annexed areas and the highly trained specialists) and those who support them from higher up would like to see exit visas immediately issued to all. It may well be that those who are refused permission are more welcome in Israel than others. This is why the issue of the 1.6 per cent has been blown out of all proportion. Mass media have even coined a new term—refusenik.

Who are these 1.6 per cent of refuseniks? Most of the people who were refused permission to leave for Israel are those who had access to classified information. Permission is often delayed until relatives settle mutual financial obligations. The wish to join relatives in Israel often breaks up the existing family, for example when the wife and children refuse to follow the husband who wants to emigrate to join his father, or when the parents refuse to leave, and so on. There are cases when someone fearing prosecution or already held on some common criminal charges, promptly decides to emigrate.

It should be noted, however, that all the above factors are in no way final or irreversible, and do not preclude a review of the original decision. The refusals are by nature temporary. They are reconsidered as soon as the motives for refusal disappear. Today, moratoriums on classified information expire relatively early due to the rapid strides of science. Refusals come up for review every six months. In 1976, over 700 applications were reviewed and the applicants granted permission to leave. In 1977-1978 there were about 2,000 such cases: circumstances that had originally led to refusals changed and the new requests were granted.

A howl is often raised over temporary refusals to grant emigration permits to some people. Here are two examples.

Among the older generation of Soviet law experts Professor Lazar Adolfovich Lunts was well-known and respected. Many specialists have been, and still are, using his books to study international private law. A few years ago he was awarded the USSR State Prize. His son, a Doctor of Physics and Mathematics, had access to classified information. Then he decided he wanted to emigrate.

He was told that he would be permitted to leave, but that he would have to wait. Instead of waiting, he began appealing to various scientists and professional organizations abroad for help as a "prisoner of conscience". "Help" was promptly given through numerous petitions, protests, and threats to break off scientific contacts.

In 1976, at a press conference in the Brussels International Press Club, an Associated Press correspondent told us that since Lunts was still "held", the information we gave on Soviet policy

towards emigrants was untrue. The journalist did not know that by that time the moratorium period had expired and Lunts had already possessed all documents for leaving. Soon he hastily left the country of his birth.

The outcry over Lunts was brought about by the lack of patience shown by Lunts and some others. These people care nothing about the national security interests of the country that had trusted them fully.

A similar thing occurred with Veniamin Levich. Elected at 41 (in 1958) to the USSR Academy of Sciences, the most prestigious academic body in the Soviet Union, this physical chemistry expert suddenly declared that his academic freedom was restricted and that he wanted to emigrate to Israel. The Lunts case repeated itself. Certain US academic circles were particularly vocal in defending Levich. As early as mid-1978 they made demands that amounted to blackmail: let Levich go or we will boycott Soviet science.

Yet after the proper waiting time the temporary refusal was revoked, and Levich left the USSR.

Let us see whether such refusals are legitimate. The Soviet Union has been repeatedly accused of violating international law and its obligations under the agreements it signed and ratified.

True, the Universal Declaration of Human Rights contains the general provision in Article 13 that everyone has the "right to leave any country, including his own". It is reproduced in Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the United Nations General Assembly on December 21, 1965, and ratified by the USSR on December 4, 1969. It is formalized in Article 12 (paragraph 2) of the International Covenant on Civil and Political Rights, adopted by the UN General Assembly on December 16, 1966, and ratified by the USSR on October 16, 1973.

At the same time, the international legal acts that proclaim or formalize the right to leave one's country admit that this right may be restricted under provisions of law.

Paragraph 3, Article 12 of the International Covenant on Civil and Political Rights states that the right to leave one's country "shall not be subject to any restrictions except those which

are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others”.

Within these limits, specific restrictions established by law come under the domestic jurisdiction of the country concerned.

In full conformity with these international legal provisions, Soviet law lays down precise grounds for restricting renunciation of USSR citizenship, i.e., emigration. The Citizenship of the USSR Act of December 1, 1978 states that “renunciation of USSR citizenship *may be refused* [italics mine—S.Z.] if the applicant has not fulfilled his (her) obligations to the state or his (her) property commitments connected with the substantive interests either of citizens or of state, cooperative, or other social organizations”. The Law is more categorical in stating that “renunciation of USSR citizenship *shall not be sanctioned* [italics mine—S.Z.] if the applicant is under indictment or if there is a court judgement against him (her) liable to enforcement, or if the person’s renunciation of USSR citizenship is against the interests of the national security of the USSR” (Article 17).

These precise legal restrictions are minimal and commonly acceptable, and they do not deny or infringe upon international legal provisions.

We can see, then, that Soviet legislation and practice are fully consonant with international legal instruments. Why then did Professor Frank C. Newman of the University of California at Berkeley assert, in the September 1978 issue of the Italian *Quaderni* that “many nations therefore have not hesitated to condemn the Soviets for violation of the command, Article 13 of the Universal Declaration and Article 12 of the Covenant on Civil and Political Rights”.⁶⁴ Professor Newman is an expert of long standing on the international legal aspects of human rights and Vice-President of the International Institute of Human Rights. Whatever his motives, the statement does no credit to his professional reputation.

When we say that 98.4 per cent of those who wanted to emigrate to Israel were free to go, this figure is contested. It is alleged that more people want to emigrate, and different figures are quoted. But these are random and therefore wrong figures.

That they are arbitrary becomes obvious when one compares

the figures which Zionist organizations and their sponsors quoted for propaganda purposes in different years. For about five years, from 1971 to 1976, the standard propaganda claim was that 300,000 people wished to emigrate to Israel.

When we discussed this issue with Congress Representative Sidney Yates (Democrat—Illinois) he insisted on this figure but could not, of course, cite any proof. In February 1976, the sponsors of an anti-Soviet gathering in Brussels (The Second World Conference on Soviet Jewry) declared there were 165,000 Soviet applicants for emigration to Israel. At a press conference in Brussels we proved that this figure did not represent the number of those wishing to emigrate, and only stood for the number of invitations sent to the Soviet Union from Israel, allegedly by relatives. Each invitation carried official seals and referred to "the common desire to reunite our families and live together". At the press conference we presented over 1,000 such invitations which their recipients had passed on to Soviet newspapers. They had never planned to leave the Soviet Union and had not heard of any relatives abroad. Some had received several invitations simultaneously. These invitations flooded the mails precisely on the eve of the Brussels congress and were clearly propaganda-oriented.

We repeat that most people wishing to emigrate are free to go. Facts and figures provide a conclusive answer to the key question asked by the Belgian *Le Soir*: "Can Soviet Jews leave their country?"

There is another, cardinaly important aspect to this problem. One should realize that emigration is not an issue of vital or crucial importance at all for either Jews or other ethnic groups in the USSR. No economic or political reasons can drive people from the Soviet Union in search of work earning, or personal security, or to save their life and liberty. There had been countless refugees and emigrants from tsarist Russia. Hundreds of thousands of Jews from the Pale of Settlement, Ukrainians, Lithuanians, Russians, Armenians, and members of other ethnic groups passed through the immigration filters of Ellis Island in those days.

Nine-tenths of the Soviet Jews take pride in their USSR citizenship, enjoy all the privileges it entails and willingly perform

their duties to their country. They are an integral part of the Soviet people, dedicated patriots and enthusiastic participants in the common cause.

Usually, when all other arguments fail, our opponents use what they consider their trump card—the question “Is there anti-Semitism in the USSR?” The only answer that comes to you naturally really stuns them. Such was the case with the editor of *Le Soir*. It stunned him so much that he used it to headline the lengthy report on the press conference our group of Soviet public activists, one of whom was General David Dragunsky, a Jew and twice Hero of the Soviet Union, held in Brussels in 1971, during the anti-Soviet World Conference on Soviet Jewry. The headline was, “No Anti-Semitism in the Soviet Union”.⁶⁵

In 1976 Vadim Kozhevnikov, popular Soviet author and Hero of Socialist Labor, and myself met with Jean-Paul Vankeerberghen, a Belgian journalist. First we talked about the equality before the law of all Soviet people, irrespective of racial or ethnic origin, and then about this equality in everyday life. Here is how Vankeerberghen reported our words: “The essential thing is the socio-psychological aspect of this equality. Whether in employment or in private life, it never occurs to anyone to judge a person by his ethnic origin. We have truly left the psychological ghetto!”⁶⁶

It is precisely the breakdown of psychological barriers of national disunity and estrangement that proves that national and ethnic groups in the USSR are genuinely equal. When a girl brings her fiancé home, her parents do not ask whether he is Jewish, Russian, Uzbek, Georgian or Ukrainian. Barriers once put up by official tsarist policy, by religious intransigence and superstition, have disappeared. And we have every right to call ourselves the Soviet people, a new kind of community.

Those accustomed to traditional tolerance of anti-Semitism in the West often try to find traces of this disgraceful vestige of the past in the Soviet Union. The straw at which they have been clutching for many years is the booklet *Judaizm bez prikras* (*Judaism without Embellishment*) by Trofim Kichko, published in Kiev in 1963. The booklet, intended as anti-religious propaganda, was clearly a failure. It contained erroneous passages, fal-

lacies and illustrations that may have led to wrong conclusions. Soon after its publication it was withdrawn from circulation. The matter was closed. Still, there have been repeated attempts to revive the controversy.

In 1971, six years after *Pravda* reported that Kichko's booklet was officially condemned, a *Le Soir* correspondent talking to us in Brussels heatedly raised this point again. Each year Kichko's booklet is cited in articles, memoranda and books. On May 15, 1977 almost fifteen years after it was withdrawn, New York's *Morning Freiheit* devoted a special memorandum to it.⁸⁷ This surprising persistence means that there are no better arguments available. We once saw an American "champion" of Soviet Jews try to rouse a New York rally by waving a copy of Kichko's booklet. It turned out to be a photocopy of the original, reprinted in quantity in the United States and bearing the printer's name.

Ataman Petliura and Human Rights

The October Socialist Revolution in Russia, the greatest referendum by action of the working and exploited masses, opened the way for radically transforming relations between the nations of our country.

"The October Revolution of workers and peasants began under the common banner of emancipation." These were the opening words of the Declaration of the Rights of the Peoples of Russia, published on November 15, 1917. It formalized the equality and sovereignty of the nations of Russia. It proclaimed their right to free self-determination up to and including secession and formation of an independent state. It abolished all national and religious privileges and restrictions and assured free development of the national minorities and ethnic groups in Russia.

But there was another, truly gigantic task to be solved. First of all, we had to overcome the actual inequality, to develop the economy, culture and statehood of the peoples oppressed in tsarist times. Backwardness, stagnation, illiteracy, epidemics and semi-feudal economy reigned in the vast outlands of the former empire.

We have traveled a difficult road, but it has brought formerly backward peoples into close union with the more advanced nations of our country. And the Russian people made history when, guided by internationalism, they helped peoples oppressed by Russian tsarism overcome their backwardness.

Today it is common knowledge that the Soviet Union is a federation of free republics, and that Russia is only one of them. The fifteen Union Republics comprise the Ukraine, Byelorussia, the Transcaucasian republics (Georgia, Armenia and Azerbaijan), the Central Asian republics (Uzbekistan, Tajikistan, Kirghizia and Turkmenia), Kazakhstan, Moldavia, and the Baltic republics (Lithuania, Latvia and Estonia). The Soviet Union is a federative state that consists of national state entities.

Let us recall the steps that led to the formation of the Union of Soviet Socialist Republics.

The Russian Soviet Federative Socialist Republic was followed by the Ukrainian Soviet Socialist Republic, proclaimed on December 25, 1917. Then came the Byelorussian SSR (January 1, 1919). The Azerbaijan and Armenian SSRs were born in 1920, and the Georgian SSR in 1921. In 1922 these three republics united to form the Transcaucasian Socialist Federative Soviet Republic. Up to December 1922, the independent Soviet republics existed separately. Relations among them were based on agreements. Their military union was coupled by diplomatic and economic union. During this period, conditions developed for a union of the Soviet Republics in a single state.

On December 30, 1922 the Union of Soviet Socialist Republics was proclaimed and formalized in a treaty.

A united multinational state emerged, a new federation, a union of republics. Lenin called it "a new floor" built on the principles of voluntary union and sovereign equality. Mikhail Kalinin, prominent statesman and dedicated advocate of Soviet federalism, said on the day the Soviet Union was born that it laid "the cornerstone of a genuinely fraternal community".

Subsequently, under the 1936 Constitution of the USSR, the Transcaucasian republics of Azerbaijan, Georgia and Armenia joined the Union directly as separate republics. Kazakhstan and Kirghizia changed from autonomous republics within the Russian Federation into Union Republics. In 1940 the Moldavian

SSR was formed, and the Lithuanian, Latvian and Estonian SSRs were admitted to the Union.

The Soviet Union thus formed as the result of free self-determination and voluntary union of equal Soviet Socialist Republics.

The nearly six decades of experience in developing, improving and updating the state and legal aspects of the Soviet federation are reflected in the 1977 Constitution of the USSR.

Part III (The National-State Structure of the USSR) opens with the definition of the Soviet Union as an integral, federal, multinational state (Article 70).

This definition is often misinterpreted. For example, in their commentaries to the 1977 Constitution Jorge de Esteban and Santiago Varela of Spain write that this combination is "somewhat perplexing".⁶⁸ Others ask how a federal state can be integral and united. It seems that the perplexity here is due to the traditional legal terminology of political scientists who refer to a non-federal state as a unitary state. But united and unitary are two different terms.

Let us draw a very simple analogy. A close-knit family is a single social entity, although it is a voluntary union of separate individuals.

The chapters on the national-state system have, like all other key provisions of the Constitution, attracted the attention of many foreign scholars.

There is a curious trend among some of these scholars. Very often they pose the following dilemma: who is stronger—the Union or the republics, what is the balance of power between the "central authority" and the republics; is there an "expansion" of the Union's jurisdiction which infringes upon Union Republics' rights? The reader is thus under the impression that the Union is an all-powerful leviathan, ready to usurp the republics' rights, if not swallow them up altogether.

In actual fact, the picture is quite different.

In a federal state, the powers of the union and of its constituent elements are necessarily divided. This is what experts on federalism sometimes call establishing the competence of powers.

When in 1922 the Soviet Union was formed, spheres of Union competence were delineated in the Treaty on the Formation of

the USSR (significantly in Article 1). The Constitution of the Soviet Union, adopted on January 31, 1924, contained the text of the Treaty and a slightly more detailed definition of the sphere of jurisdiction of the Union's supreme bodies.

Similarly, the 1936 Constitution also established the sphere of Union jurisdiction (Article 14).

The 1977 USSR Constitution also enumerates exclusive powers of the Union (Article 73). These include the power to direct national economy and to pursue a uniform socio-economic policy, to determine the main lines of scientific and technological progress and the nationwide measures for the rational exploitation and conservation of natural resources, to draft out and approve the state plans of economic and social development of the USSR.

The Union drafts and approves the consolidated national budget, directs the sectors of the economy and enterprises under Union jurisdiction.

The Union ensures the uniformity of legislation throughout the country and lays down fundamentals of legislation.

The Union's terms of reference include matters of foreign policy, defense and national security, and a number of other matters.

Besides listing these matters in eleven paragraphs, the 1977 Constitution adds that the Union jurisdiction extends to "other matters of all-Union importance".

This is an open, frank and necessary provision. The country's life is so complex and diverse that "matters of all-Union importance" might very well arise which would not be covered by the eleven paragraphs of Article 73.

But why do our Spanish colleagues, Professors de Esteban and Varela, see this provision as "a trend toward the expansion of the central authority", as "an open door for a continuous increase of interference by the central authority"?⁶⁹

Here we would like to note a fundamental aspect often ignored by foreign scholars when they differentiate between the spheres of competence of the Union and of the constituent republics. This differentiation is neither mechanical nor hard and fast. The important thing is that the Union Republics themselves are directly involved in decision-making on nationwide issues. The

Constitution envisages a specially designated mechanism and guarantees for this purpose.

Union Republics participate in the work of all-Union bodies. The USSR Supreme Soviet—the federal parliament—consists of two chambers. One of them, the Soviet of the Union, is elected by constituencies with equal populations. The second chamber, the Soviet of Nationalities, has 32 deputies from each Union Republic. Union Republics are represented on the Presidium of the USSR Supreme Soviet (a standing body) by 15 Vice-Chairmen (one from each Union Republic). The Chairmen of the Councils of Ministers of Union Republics are *ex officio* members of the USSR Council of Ministers (the federal government). Similarly, the Chairmen of the Supreme Courts of Union Republics are *ex officio* members of the USSR Supreme Court. They take part in plenary sessions and discuss, among other issues, matters relating to the uniformity of legal practice.

Union Republic representatives are thus directly involved in the legislative, governmental and political decision-making—in other words, in all coordinating processes at the federal level. The Constitution expressly states that “Union Republics take part in decision-making in the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of the USSR, the Government of the USSR, and other bodies of the Union of Soviet Socialist Republics in matters that come within the jurisdiction of the Union of Soviet Socialist Republics” (Article 77).

The 1977 Constitution has provided Union Republics with additional rights. Article 113 stipulates that their highest bodies of state authority enjoy the right to initiate legislation in the federal parliament, the Supreme Soviet of the USSR. Article 114 states that a Union Republic may propose to submit for nationwide discussion bills and other very important matters of state.

All this shows it is futile to attempt finding in the USSR Constitution and legislative practice anything regressive or restrictive as far as right of Union Republics are concerned.

From late 1978 to 1979 there was a lot of publicity in France over the book *L'empire éclaté—la révolte des nations en U.R.S.S.* by Hélène Carrère d'Encausse.⁷⁰ The book repeatedly and categorically states that the Soviet policy toward the consti-

tuent nations is in crisis. The reader is told that rising nationalism "threatens the very survival of the USSR", that "the central authority is powerless in the face of the irreversible hostility of the provinces".

If we disregard the grim prophecies (and they are prophecies, not scientific conclusions), all that is left are trite Kremlinologist concepts of Soviet policy toward nationalities. On the one hand, it is maintained that Soviet federalism is no federalism at all, that the country is ruled by the central authority. On the other hand, it is alleged that the Union does not exist as a single country since it has been torn apart by powerful centripetal forces.

Like her numerous predecessors and colleagues, Mme Carrère d'Encausse is a prisoner of her formal logic. She holds that there can only be either unity or disunity, either a united or a federal state. She sees federalism only as a negation of unity. Formal logic prevents her from understanding a vitally important peculiarity of Soviet federalism: the combination of the country's unity with the full sovereignty of its constituent republics. Mme Carrère d'Encausse would like to know whether the Soviet Constitution lays more stress on unity or on federalism. She reasons that since the Constitution speaks of a single united country, "federalism appears as a vestige of the past in the light of advanced unity".

According to Mme Carrère d'Encausse, the Constitution's authors "have delivered a heavy blow—at least legally—against federalism". She maintains that "the reverses of federalism" are evident in the fact that it occupies a less prominent place in the 1977 Constitution than in the previous one: "federalism is not incorporated into the section on the political system but is relegated to the part dealing with the organization and functioning of the system, which follows the description of the Soviet system (political, economic and social), of foreign policy principles and of citizens' rights and duties." Therefore, she claims, federalism occupies a "subordinate position".

This conclusion is obviously unjustified. Mme Carrère d'Encausse confuses the role of federalism with the place it is accorded in the Constitution. One cannot very well put all the fundamental constitutional principles in Article 1. They have to be

arranged in a definitive system, which reflects the Constitution's comprehensive structure and follows a logical sequence. The inner structure of the Constitution demands that the fundamentals of the social system and policy (basic and general principles of the political system, economy, social and cultural development, foreign policy and national defense) be concentrated in Part 1. The 1977 Constitution groups its provisions by chapters, and the chapters by parts. "The National-State Structure of the USSR" is dealt with in Part III. Thus federalism is by no means relegated to the background but occupies its proper, functionally determined place.

Besides, Article 1 of the Constitution defines the USSR as a state of the whole people, expressing the will and interests of the workers, peasants and intelligentsia, the working people of all the nations and nationalities of the country. Thus the idea of Soviet federalism can be said to appear among the basic constitutional provisions.

Trying to deduce the importance of any institute from the place it occupies in the Constitution is as fruitless as counting the number of lines it takes the Constitution to formulate this principle. For example, the conclusion made by Professor Rudolf Schottlaender in his article "The New Soviet Constitution" in *Frankfurter Hefte* is opposite to that of Mme Carrère d'Encausse. Professor Schottlaender holds that the multinational composition of the Union—a specifically Soviet phenomenon—rightfully takes up one-third of the Constitution's text. This he interprets as homage to the greatest state and legal creation of Lenin's.⁷¹

We will resist the temptation to use Professor Schottlaender's arguments against Mme Carrère d'Encausse not only because the section on the national-state structure takes up considerably less than one-third of the Constitution, but also because the cardinally important place federalism occupies in the system of Soviet state and legal institutions cannot be deduced from the number of lines it is accorded in the Constitution.

Some authors see infringements of Union Republic jurisdiction in the most unlikely things. Here is one example. When Leonid Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, was elected Chair-

man of the Presidium of the USSR Supreme Soviet, the Supreme Soviet suggested establishing the office of First Vice-Chairman of the Presidium and entrusting him with the Presidium's current affairs. This did not infringe on the mandates of either the 15 vice-chairmen elected from each Union Republic or any of the prerogatives of the Republics themselves. Why then does Eberhard Schneider, in a booklet on the new Soviet Constitution published in Bonn, talk of a "degradation of the position" of the 15 vice-chairmen of the Presidium of the Supreme Soviet?⁷²

In general, we object in principle to any identification of the growth of the USSR's role as a federal state with any curtailment in the role, jurisdiction or rights of Union Republics, since this would lead up to a formal alternative: either the role of the Union or the interests of the republics. In fact, consolidation of the Union means further advancement of each Union Republic.

It is natural that today the Union plays a greater role in the economic, social, cultural and political fields. It would be fundamentally wrong for a Union Republic to consider this a negative factor. The closer the socio-political and economic federation of the constituent republics, the more important becomes the coordination and direction of their common efforts. The pertinent question here is whether the Union implements its mandate in the interests of the entire federation, i.e. of each Union Republic. Another question is whether Union Republics effectively participate in decision-making on matters of Union jurisdiction.

Jorge de Esteban and Santiago Varela note that under the USSR Constitution "the development of Soviet society is oriented toward the consolidation of 'the Soviet people' ". This, they hold, reflects the trend toward "leveling off ethnic and national differences" and contradicts constitutional provisions on "national rights".

It is true that the development of socialist social relations, their "maturity", has led to the formation of a new, stable historical community of people—the Soviet people. This community has emerged through the convergence of all classes and social strata, the legal and actual equality of all nations and nationalities, and their voluntary and effective cooperation.

But this does not mean that separate nations and nationalities

have disappeared or are disappearing. Neither does it mean that some central authority or anyone else intends to "level off ethnic and national differences". The Soviet people as a stable community is not equal, as sometimes alleged, to, say, a single nation of a Soviet-Russian type. It has emerged as an entity on the basis of common economic, socio-political and cultural life, of common goals, interests, morals, a common way of life, and common traditions, and not through any eradication of ethnic and national differences. The emergence of the Soviet people does not mean that its constituent national communities have lost their unique traits. It is a historically objective and natural process.

The recurring mistake in assessing national relations in the Soviet Union is often due to the fact that bourgeois experts use their old yardsticks to gauge a historically unique process witnessed in new socio-political conditions. They maintain, for example, that since Russians are the most numerous and the Russian Federation the largest of the Union Republics, the Russian nation lords it over the other nations and infringes on their rights. By bourgeois standards, this is inevitable.

Bourgeois experts try to fit their arguments to this fallacious logical pattern and prove that there is discrimination, abuse, forced assimilation and the like in the Soviet Union.

Some authors of commentaries to the 1977 Constitution have fallen into the same trap. They cast about for "facts" to back up their charges.

Article 36 of the USSR Constitution says: "Citizens of the USSR of different races and nationalities have equal rights.

"Exercise of these rights is ensured by a policy of all-round development and drawing together of all the nations and nationalities of the USSR, by educating citizens in the spirit of Soviet patriotism and socialist internationalism, and by the possibility to use their native languages and the languages of other peoples of the USSR.

"Any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or nationality, and any advocacy of racial or national exclusiveness, hostility or contempt, are punishable by law."

That these constitutional provisions are observed in practice is well known throughout the world.

Still, the principle of equality of Soviet citizens of different nations and nationalities comes under fire on any spurious pretext.

Henn-Jüri Uibopuu of Salzburg (mentioned earlier in this book) has also joined the attacks, although his ammunition has proved to be ineffectual. Herr Uibopuu knows that in the Soviet Union Russian is the common (inter-ethnic) language, so he picked on this fact to disprove the provisions of Article 36.

As one of the authors in a special issue of the West German *Osteuropa Recht* devoted to the new USSR Constitution, he says the following: "But it is totally unclear how the particular emphasis on the 'power' of the Russian language ties in with the ban on the propaganda of national exclusiveness (paragraph 3 of Article 36). The inordinate praise of the Russian language as a vehicle of purposeful language policy for the non-Russian nationalities is not merely discrimination, it could also become a substantive step toward loss of their national identity."⁷³

This passage is thoroughly misleading. Let us consider the actual interaction of national languages and their connection with Article 36 of the Constitution.

The intensive development of national languages in the USSR is obvious. It is reflected, among other things, in the growth of a language's functions in various spheres of life. This functional development is linked, among other things, to the improvement of national statehood.

This is followed by an "intrastructural" improvement of the language, by the growth of its vocabulary, semantics and style.

Here is an example from a recent article by Professor William Butler, Dean of the Department of Law at the University College in London. Professor Butler wrote of his trip to Uzbekistan to study local legislation. He noted that the Uzbek SSR was the first Union Republic to adopt, in 1959, the Criminal Code and the Code of Criminal Procedure based on the all-Union Fundamentals of Legislation approved in December 1958. The Uzbek SSR was ahead of the Russian Federation in codifying these legal branches. Another thing that astonished Professor Butler was that simultaneously a special Russian-Uzbek legal

dictionary was compiled by Bakirov, dean of Uzbek jurists, called *domula* (teacher) by several generations of Uzbek law experts.

The development of national statehood and, concomitantly, of the Uzbek legal system has led to a functional improvement of the Uzbek language and to an expansion of its vocabulary.

There is no need here to delve into all the trends and interaction of national languages in the USSR.

What we have listed above confirms the equality of Soviet citizens irrespective of their nationality. This equality is formalized in the Constitution and guaranteed by the right to speak one's mother tongue and other languages of the USSR, by the freedom to teach in the native language at school. Nine-tenths of the population of the USSR speak national languages they consider their mother tongues.

In these circumstances, how can we interpret the growing role of the Russian language as the common language of the entire Soviet people?

The emergence and spread of a common language has absolutely nothing to do with discrimination, as it is alleged by Uibopuu. Nor does it infringe on the national languages or imply any "loss of national identity".

The Russian language is the principal communication medium of the peoples of the Soviet Union and plays a very important part in their economic, socio-political, and cultural life. The ongoing scientific and technological revolution has made the Russian language a special vehicle of scientific advancement. As an official language of the United Nations, Russian enables all Soviet nationalities to be actively involved in international affairs. It is also a very effective vehicle of world culture: all significant books in any language are translated into Russian. The Russian version is then translated into other national languages of the USSR. Of course, there is also direct translation. Today, for example, one-third of all books published in the Central Asian languages and Kazakh are translations, three-quarters of them from Russian.

Voluntary use of the Russian language by the peoples of the Soviet Union has incurred no "loss of national identity"; national languages have not been abandoned. Instead, bilingualism

(national language plus Russian) has emerged as an objective process. This is corroborated by census returns. According to the 1970 census (final 1979 returns have not been published yet) 37.1 per cent of the 112,700,000 non-Russians speak, read and write Russian fluently as a second language. The ratio of those proficient in Russian is higher among the urban population and young people. Proficiency in Russian also varies from nationality to nationality.

The emergence of the Russian language as the common tongue of all Soviet nations and ethnic groups, as a universally recognized international language, does not discriminate against anyone or infringe on anyone's rights.

The shaping of new relations among the nations and ethnic groups of the country has always been accompanied by resolute measures against any attempts to breach national and racial equality.

The growing friendship among nations cannot, unfortunately, make national prejudice disappear completely. The germ of nationalism, no matter how insignificant, has still to be combated.

The categorical ban on racial and national discrimination secured in the Constitution is backed by law. Any violation of national or racial equality is treated as a crime against the state. Criminal responsibility is established for "propaganda or agitation provoking racial or national hostility or strife, and for directly or indirectly restricting the rights of, or directly or indirectly affording privileges to, citizens on the grounds of race or nationality" (Article 11 of the Law on the Criminal Responsibility for Crimes against the State, 1958).

Soviet legislation is quite definite in this regard.

Unfortunately, there is highly negative factor to this issue. Anti-Soviet forces are trying to revive nationalist prejudice from abroad, to provoke attacks on the unity of the Soviet people.

Nationalism has always been an essential element of anti-communist strategy, and of the plans of the enemies of the Soviet Union. Fifteen years ago Geoffrey Wheeler, an Oxford specialist on Central Asia, said: "Since, however, all the countries of the Western bloc regard the Soviet Union as a potential enemy, they are interested in the possibility of nationalism inside the

Soviet Union partly because they genuinely believe that the peoples concerned would be better off outside Soviet control, and partly, perhaps principally, because they think that widespread nationalist outbreaks would bring strategic and economic embarrassment to the USSR."

In their search of pawns in this hopeless game, Western ideologues and politicians employ counterrevolutionary emigrés and former nazi collaborators.

Is there anything new in the activity of those, who, holed up in Munich, London and New York, have for decades poured forth nothing but hatred? One thing is new: now it is all done in the name of human rights.

Imagine Simon Petliura, "head ataman of the army of the Ukrainian people's *rada* (council)", hangman, organizer of pogroms, scavenger and pathological anti-Semite, as a champion of human rights. Or Stepan Bandera, nazi henchman and himself an executioner. Sounds like an unsavory joke.

But there are still people, in the late 1970s, who pay homage to Petliura and praise Bandera. These nazi hirelings who fled from the wrath of the Ukrainian people, hold forth on an "independent Ukraine" and on human rights in the Soviet Union.

Banderavites are adapting and readapting their slogans, while ready to embrace the most adventuristic and rabid enemies of detente.

Today the "head atamans" and Banderavites of Yaroslav Stetsko's ilk are bent on poisoning the concept of detente. They dream of "defending" human rights in a new world war which they describe as "the last, perhaps the best opportunity". According to Stetsko and his gang, "even if half the human race, or even more, should perish in this war, the price of freedom would not be too high".

At the "Great Congress of Ukrainian Nationalist Organizations" the Banderavites' call was: Beware of "various deceitful conferences on peace, security, disarmament, detente!"

The Banderavites' pledges of love for their people conceal the contemptuous insolence of murderers. There can be no love for people or country in those who preach hatred and obscurantism, and are ready to bury half the human race. Those who prostitute

patriotism and hate all human values—peace, life, freedom—deserve only contempt from their own and all other peoples.

Blind with hatred, Banderavites call for “common struggle” by any means—gun and word.

At the anti-Soviet show staged in Copenhagen, advertized as the Sakharov Hearings on Human Rights Violations in the USSR and blessed by Sakharov himself, Banderavites made a contribution of their own: Ukrainian language leaflets on rice paper, set in the smallest possible type and obviously meant for distribution in the Soviet Union. One could read them only through a reading glass. In Copenhagen they were presented as documentary evidence of resistance by the “noblehearted and unshakable fighters against human rights violations in the USSR”. Among other names, these leaflets mentioned Valentin Moroz, “martyr of human rights”. The Banderavites also reprinted a speech delivered at the Vatican by Cardinal Josyf Slipy, head of the Autonomous Ukrainian Catholic Church, who officially collaborates with the Banderavites. (We will deal with Slipy’s unholy life in the last part of the book). Here we will only note that Moroz is mentioned in this speech.

Who is Valentin Moroz and why is he extolled by Stetsko and Slipy?

Moroz, one of the handful of those who conspired to cultivate and spread the virus of nationalism, was tried and imprisoned twice for criminally rousing hostility among nationalities, for subversive propaganda, for manufacturing and disseminating slander against the Soviet social system, and for distributing printed materials supplied by his Banderavite sponsors abroad.

What shapes people like Moroz in the setting of fraternal cooperation and friendship among the peoples of our country, and when socialism has eliminated any socio-economic, political or other grounds for nationalism? Unfortunately, nationalism is a very persistent survival of the ideology hostile to socialist friendship among nations. Hence, relapses sometimes occur.

Moroz’s criminal activity, inspired and financially supported by the Banderavites from abroad, was one such relapse. His writings were printed at the same place and set in the same type as Stetsko’s and Slipy’s speeches. His disgusting scribbling can only be compared to the libel fabricated by Goebbels and Streicher.

Full of vicious slander, Moroz's writings are clearly and deliberately aimed at vilifying and discrediting the Soviet system.

His wild accusations include, for example, the allegation that in Uzbekistan, Estonia and the Ukraine libraries containing literary and historical national relics are deliberately burned. Moroz claims that this is done in the name of "denationalization" and "Russification". A man who calls himself a historian, he asserts that "de-Christianization, collectivization and industrialization" serve these goals too. Moroz stoops to the lowest fibs in order to provoke hostility among nations. Recalling the past, he attempts to present each violation of legality committed during the personality cult of Stalin (who, incidentally, was Georgian) as a manifestation of Russian chauvinism. To top it all, Moroz calls for active resistance, for illegal acts.

Such activity obviously falls under Article 62 of the Criminal Code of the Ukrainian Soviet Socialist Republic, which was invoked at his trial.

While Valentin Moroz was in the Soviet Union, his overseas sponsors presented his criminal hatred of the Soviet Union as promotion of human rights and defense of "captive nations"!

In the spring of 1979 Moroz's prison term was remitted and he went to the United States. He revealed his true motives—unreasoning malice instead of the ideals of human rights and freedoms—in his first interviews with journalists looking for sensations. The American public quickly realized that Moroz's hatred of the Soviet system was really a hatred of all that is human.

Immediately upon arrival in the United States, Moroz offered his contributions to the dangerous and dishonest game of those who play on groundless fears, work up hysteria and howl about a growing Soviet military threat. At the time when public opinion in the Soviet Union, the United States and the whole world was closely following the efforts to limit strategic offensive armaments, Moroz declared that the SALT-2 Treaty was an act of surrender to the Soviet Union.

Moroz showered his audience with far-fetched historical parallels and blood-curdling metaphors, trying to scare them with the horrors of a new world war. The SALT-2 Treaty, he claimed, would lead to a nuclear holocaust that could only be avoided by fostering centripetal nationalist trends in the USSR. These

would tear the Soviet Union apart, and the disintegration of "the Russians' empire" would reduce the danger of nuclear war.

Moroz is reported to have been invited to work at Harvard. Well, well.

Nationalism is a dead ideology in the Soviet Union. That is an incontrovertible fact. Still, those who are ideologically long dead are trying to cling to the living by banking on nationalism. Paradoxically, such people (who, moreover, look at the Soviet Union from abroad) dream of reversing the progress of the Soviet people.

Aleksandras Shtromas is a case in point.

On the eve of my 1979 summer vacation I came across Shtromas's article, "The Legal Position of Soviet Nationalities and their Territorial Units According to the 1977 Constitution of the USSR" in the *Russian Review*, sponsored by the Hoover Institution on War, Revolution and Peace and published at Stanford, California.⁷⁴

The leitmotif of Shtromas's article is that the Soviet regime spells national subjugation. In the 1977 Constitution Shtromas sees "an open declaration of a policy which directly aims at total deprivation of the Soviet nations of their separate national identities with the view to fully integrating them into the uniform pattern of the so-called new historical community of the Soviet people". Therefore, Shtromas maintains, "according to the 1977 Constitution, the natural road to full sovietization or full integration into one Soviet nation of all the nations and nationalities in the USSR implicitly leads to their Russification". According to Shtromas Soviet republics lack sovereignty, their peoples are oppressed; the aim is their complete Russification and deprivation of their national identity. Such is Shtromas's interpretation of the legal status of Soviet nationalities.

I often recalled his assertions during my vacation. My wife and I spent July 1979 at a trade-union holiday home in Palanga, a Lithuanian resort town on the Baltic coast. And Lithuanian-born Aleksandras Shtromas claims to defend precisely Lithuanian national interests. But while walking the streets of Palanga or travelling around Lithuania I naturally compared what I saw and heard to the writings of Aleksandras Shtromas.

A mediocre lawyer, Shtromas moved to Great Britain in 1973

and set out to become a respectable authority on Soviet national issues at the University of Bradford. In 1974 he tried to push his way into the limelight as an "expert" at the so-called Sakharov Hearings on Human Rights Violations in the USSR, held in Copenhagen. A Danish journalist who attended, later told me that Shtromas's ramblings were so jumbled and confused that even the organizers of the hearings were annoyed. It became clear that plain hatred of the Soviet system was not enough, that one was expected to sound irrefutable. By 1978 Shtromas had apparently mastered the tricks of the trade. His writings on national issues in the USSR were even accepted by a US publication sponsored by the Hoover Institution.

Shtromas does not cite a single fact to support his allegations of national oppression. Neither does he quote any data on his native Lithuania.

It appears that Shtromas is afraid of the facts, because they effectively destroy any verbal construction about suppression of Soviet nationalities, including that of the Lithuanians.

Since 1940, when Soviet power was restored in Lithuania and it joined the USSR as a Union Republic, the Lithuanian people have made such great progress that it gives the lie to any assertions of "national oppression by the Soviet regime".

Using the resources of the entire Soviet Union and assisted by other Republics, the Lithuanian SSR has worked miracles in industrialization. Its industry progressed at unprecedented rates, and today its gross output is over 50 times the 1940 level. Electric power production has increased 133-fold since 1940. The Ignalina nuclear power plant, now under construction, will greatly stimulate the Republic's economy. It now takes Lithuanian industry seven days to match the 1940 annual output.

The traditional essentially semi-subsistence and primitive Lithuanian agriculture is now a thing of the past. Lithuania's 1976 agricultural output was more than double the 1940 level. Cereals have more than tripled, cattle-raising and swine-breeding doubled.

Lithuanian cities and towns have radically changed. Vilnius, the ancient capital, now has new Žirmunai and Lazdynai districts with their distinctive architecture. Over 80 per cent of the Republic's urban housing was built after the war.

What about the typical Lithuanian farmsteads of pre-Soviet years? In all probability, Aleksandras Shtromas does not know that it was a house either of rough-hewn stone (rocks left by the Ice Age) or, usually, of tarred cardboard-like material held together by shingles. Roofs were invariably made of straw and covered with moss. Today's rural houses are mostly one- or two-storied brick buildings. By the end of 1980 as much as 65 per cent of all rural housing will be supplied with natural gas.

The month I spent in Palanga afforded a good glimpse of Lithuanian cultural life.

I heard the Symphony Orchestra of the Lithuanian State Philharmonic play Sibelius's Violin Concerto, Mozart's Magic Flute Overture, and Beethoven's Fifth. The orchestra played in a new open-air concert hall against the background of stately pines.

Music lovers enjoyed the *Sea*, a symphonic poem by Mikalojus Čiurlionis, a remarkable Lithuanian composer and painter, performed by the Symphony Orchestra and the Ažuolinkas Boys' Choir. For the first time I heard the *Autumn*, a symphonic scene by Lithuanian composer Juozas Gruodis.

In the old park, on the terrace of the Amber Museum (formerly Count Tyszkiewicz's mansion), by the light of candles and muted spotlights, the Lithuanian Chamber Music Orchestra, a virtuoso ensemble, presented its Night Serenades series of concerts. Mozart's *Eine Kleine Nachtmusik*, Haydn's *Farewell Symphony*, Vivaldi's *Concerto in E minor* were especially enchanting in the setting of grass lawns, roses, age-old oaks, elms, maples and blossoming limetrees. The conductor was Professor Saulius Sondecikis, People's Artiste of the Lithuanian SSR, winner of the Republican Prize.

Across the park, prose and poetry readings were held every two or three days in an exotic grotto by the Birute Hill. A string quartet accompanied a composition of Petras Cvirka's works.

Lithuanian folk songs were played in the evenings by amateur brass bands from Šiauliai and Palanga. Their rival, the Dune Voices, a vocal and instrumental folk ensemble, was so popular that tickets were always sold out well in advance.

In the newly-built club of our vacation center, the month began with performances by the Jewish Ensemble of the Kau-

nas Trade Union Club. In the second half of July, Viacheslav Somov, popular Moscow performer, gave poetry readings of Alexander Block, Anna Akhmatova, Marina Tsvetayeva and Boris Pasternak.

At the Felix disco, the fare was rock music (including novel arrangements of Lithuanian folk tunes).

Palanga's picture galleries presented Henrikas Milasius's and Lidiya Milašiute's drawings and Horstas Taleikis's amber.

Palanga reflected the cultural life of the entire Lithuanian SSR. One saw no trace of Russification.

The Lithuanians' cultural contacts with other Soviet nations have become standard practice. National cultures are gaining a lot from one another. The Lithuanian people's entry into the multinational Soviet community has enabled all Soviet peoples to enjoy the masterpieces of Lithuanian culture.

Contemporary Lithuanian poet Eduardas Mieželaitis is highly popular throughout the Soviet Union. A People's Poet of Lithuanian Republic, he has been awarded the title of Hero of Socialist Labor and the Lenin Prize.

After Lithuania joined the USSR, books by the late 19th and early 20th century Lithuanian classics, practically unknown outside Lithuania, were made available to Soviet readers across the country. *The Anikščiai Forest* by Antanas Baranuskas, prominent Lithuanian poet of the mid-19th century, was brilliantly translated by Nikolai Tikhonov, popular Soviet Russian poet. In 1979, Khudozhestvennaya Literatura Publishers of Moscow published the Russian translation of short stories by Jonas Biliunas, an early 20th century author. Is this the Russification Shtromas is so afraid of?

A distorted portrayal of relations among Soviet nationalities is often used to play on the nationalistic prejudices of some sections of public opinion in the West. Such attempts to provoke nationalistic hostility toward the Soviet Union sometimes take the most unlikely shapes.

For example, how many pious words were said and written about the inscription at the memorial to the victims of nazi crimes at Baby Yar near Kiev saying that Soviet citizens were killed and buried there without specifically mentioning Jews.

True, of the 200,000 Soviet people killed at Baby Yar, 70,000

were Soviet Jews. Nobody has forgotten it and nobody will. The important thing is that in the Soviet Union we honor our martyrs no matter what their nationality. It was the nazis who divided both the living and the dead into "clean" Aryans and "unclean" non-Aryans. We remember all our heroes who fell in the war: "no one is forgotten and nothing is forgotten" is no empty phrase. That is one of the reasons behind our drive for peace.

A few years ago I accompanied a group of US visitors to the Salaspils memorial complex built on the site of a nazi death camp near Riga, capital of the Latvian Soviet Socialist Republic.

The group of Americans included a former Under Secretary of State, whose name used to be very well known, who had been directly involved in shaping US foreign policy. I am sure he was deeply moved by the traces of what had happened on that blood-drenched soil. Our guest had perhaps never seen such tangible consequences of aggression, war and brutality at close quarters.

Suddenly he asked: "Who liberated this area? Must have been the Western allies." I was stunned. The Great Patriotic War of the Soviet people, its ordeal and heroism, is indeed an unknown war for many Americans. Unfortunately, it is often unknown even to those who are involved in strategic political planning.

A French friend of mine once asked me why we, the Soviet people, recall the war so often. After all, it was decades ago, he said, and it brought suffering to other people too, including the French.

The Soviet people will never forget this war. Not only because we lost 20,000,000 people and bore the ordeal with fortitude and heroism. The memory of the war is a blend of experience and concern about the future. Hence our sense of responsibility for the destiny of our country and of the world. The memory of the war intrudes on today's debate about war and peace, about the right to live, about rights and freedoms. A recollection of the past often provides solutions to the problems of tomorrow.

My French friend, the Soviet people honor the dead of your nation and of all nations that fought against nazism. There is a building on the Moskva River embankment near the Kremlin which housed the French military mission during the war.

A commemorative marble plaque bears the names of 42 French airmen killed in action in the Soviet Union. We revere these names.

We also pay homage to those sons and daughters of France who were deported by the nazis to the Lithuanian city of Kaunas. There was an old army fort—Fort IX—near the city, which the nazis used as a prison. Today it is a memorial museum to the victims of nazi terrorism, its walls covered with farewells and oaths scrawled by death row prisoners. Some are in French.

Each time I drive to the Baltic coast on my vacation I visit Fort IX and pay my respect before these walls.

The living memory of the people is reflected in monuments, memorials, burial grounds, graves of unknown and known soldiers. They attract an endless stream of veterans and young people, newlyweds and grandparents, civilians and servicemen.

It was recently reported in the press that Conrad Anselm, a Bundeswehr corporal, was court-martialed for laying a wreath at Dachau on November 11, 1978.⁷⁵ The sentence was hypocrisy itself: paying homage to the prisoners of Dachau was described as participation in a political (and therefore proscribed for servicemen) action. In the Soviet Union this would be called an action of the heart.

We hold that nationalism, chauvinism and racism are a concentrated form of social injustice and immorality. Rejection of nationalism, racism and racial discrimination is therefore a genuine element of social relations in Soviet society, a political and moral principle of the Soviet people.

That is why the Soviet people support all those who fight racism and discrimination by race, color or ethnic origin. Such discrimination negates the very concept of human rights.

We realize full well that in many countries where racism exists its elimination is hampered by socio-economic relations there. Michael Harrington, an American, put it very well in his book *The Other America*: "The Negro is poor because he is black; that is obvious enough. But, perhaps more importantly, the Negro is black because he is poor."⁷⁶

Closed Society—Open Society

On April 10, 1979 the *Frankfurter Allgemeine Zeitung* published a review of several West German and American books on the new Constitution of the USSR. For some reason, the headline ran as follows: *The Soviet System : Almost Fully Closed*.⁷⁷ I say "for some reason" because there is no corroboration of this in the review itself. The reader is left to conclude that the reviewer simply gave a negative emotional assessment of the Soviet system.

What does "open" and "closed" society mean and where did the terms come from? In 1945 Karl Popper published his book *The Open Society and Its Enemies* where he coined these terms. Psychologically, these were apt emotional clichés. "Open" often has a positive connotation, especially when applied in descriptions of intellectual and spiritual qualities (open mind, open heart, etc.).

According to Popper, Western democracy was open, and socialist society was closed.

In 1971 Bavarian television presented a special program of two separately taped interviews with Herbert Marcuse and Karl Popper. The latter, an Austrian sociologist, had emigrated to Great Britain in 1937, then taught in New Zealand, returned to London University in 1945, was knighted in 1965, and retired soon after. In the interview he recalled the origin of the "open society" cliché. In 1935-1936, Karl Popper recalled, he visited England for the first time: "In England's free air I could breathe. It was as if the windows were thrown open. The term 'open society' was born of this experience."⁷⁸

Popper's colleagues, disciples and critics have repeatedly noted that he never accurately defined the terms "open" and "closed" society. It appears that he filled this gap during the interview. Asked what he saw as characteristic of an open society, he listed two points: first, open discussion should be possible and should have an impact on politics. Second, there should be "institutes to safeguard freedom and protect the weak".

Karl Popper is convinced that Western democracy provides the greatest possible opportunities for discussion and for its

influence on politics. He tries to convince his audience that Marxists fear and reject political discussion *per se*, thus rejecting the values of the open society, i.e. of Western democracy.

I do not intend here to question Karl Popper's views on the openness of political discussion in the West and on its effective impact on politics. I believe that he is fully aware of the ineffectiveness of many political discussions. I am also sure that Sir Karl Popper knows the almost total uselessness of the debates in the House of Lords.

Neither do I plan to deal with the degree of openness in the shaping of public opinion or with the impact of monopolized mass media on discussion and its openness. Karl Popper must surely know that 80 per cent of all British dailies and weeklies are published by just four monopolies. Similarly, West German publications are controlled by four giants: Burda, Springer, Bauer, and Gruner und Jahr. Despite the apparent pluralism, the market of ideas is dominated by those whom Professor Herbert Schiller of the University of California calls mind managers.

I will also refrain from delving into the question of the openness and freedom of discussion and its real impact on the making of strategic political decisions in the West.

But when Karl Popper tells his audience that socialism is a closed society because it rejects the idea and practice of discussion, we have to demonstrate that he and his followers simply do not know what they are talking about.

It is embarrassing to repeat commonplace things, but in this case it cannot be helped. It is axiomatic that Marxism—both Marxist theory and social practice—views discussion as an indispensable means of shaping public opinion. It is precisely the political system of socialist society that provides the material conditions for equal participation by its members in discussing socially important issues.

But Marxist theory and the practical functioning of institutions of socialist democracy do not see discussion as an end in itself, as a self-restrictive value. Discussion is just one element of the democratic management of society. It is inseparably linked with decision-making, and in most cases is a way of arriving at the decision. This makes discussion effective.

Discussion and decision-making as two organic and inseparable elements of the political process are emphasized in the 1977 Soviet Constitution. For example, Article 8 states that "work collectives take part in discussing and deciding state and public affairs. . . ."

The Constitution stressed that "major matters of state shall be submitted to nationwide discussion and put to a popular vote (referendum)" (Article 5).

Stating that the political system of Soviet society advances mostly through further development of socialist democracy, the Constitution names constant responsiveness to public opinion as one of the manifestations of this process (Article 9). Public opinion is shaped precisely in the process of comprehensive discussion.

The integral process of discussion and decision-making is open to the masses.

Universal political participation—direct mass involvement in active government—is a salient feature of Soviet democracy.

Several years ago Professor L. G. Churchward, reader in political science at the University of Melbourne, spent some time in the Soviet Union studying the practice of government. In his book *Contemporary Soviet Government*, subsequently published in London, he stressed the universality of political involvement. Professor Churchward was quite impressed and wrote that "there can be few Soviet adults who escape the responsibility of direct participation in government".⁷⁹

Universal and responsible participation in discussion, debates, ascertaining opinions and shaping the commonly held, prevalent public opinion is not only a means of ensuring democratic government. It also expresses a definite political position, that of civic involvement. It is also a rejection of the idea of the "inexperience" or "incompetence" of the masses, which underlies the concepts of elitism and technocracy, currently popular with neo-conservative political scientists in the West.

Universal involvement in the political process also shows the people's trust in the political system, confidence in their own resources, in their political rights. The claims of some Western political scientists that there is "alienation of government" under socialism are therefore clearly unfounded. Today, confidence

and not alienation is typical of the public attitude to government in the USSR.

When we say the system of socialist democracy is an open process of public participation in the shaping of the country's will, we note the combination of the different elements of socialist democracy. The forms and methods of representative democracy (the entire system of freely elected Soviets of People's Deputies) blend organically with the institutions of direct public participation in government.

Since discussion and decision-making are organically linked as functions of the political process, we should specially note the great opportunities open to the public for political initiative. The public is not restricted to participating in the discussion of the issues submitted to it (for example, of draft laws). People can themselves submit issues for discussion. Public initiative (individual or collective) deals with the most varied aspects of everyday life and work and with important political issues. Government agencies study and correlate suggestions which are usually made in letters forwarded directly to appropriate agencies. Letters to the media are another widely used channel.

The initiative of the public is also realized through an institute typical of Soviet democracy—the voters' mandate to their deputies. The Soviet Constitution describes it as follows in Article 102: "Electors give mandates to their Deputies. The appropriate Soviets of People's Deputies shall examine electors' mandates, take them into account in drafting economic and social development plans in drawing up the budget, organize implementation of the mandates, and inform citizens about it."

The mandate is rightly considered an effective expression of the voters' interests. For a Soviet—a government body—it is a continuously operating channel of information about the voters' needs. From 1975 to 1977, out of the 800,000 mandates given by voters to local Soviets, over 700,000 were fulfilled. This means that Soviet democracy rejects the principle of an elected official's unaccountability to his electorate.

Moreover, the position of the Soviet deputy is different from that of his counterpart in many Western countries. It is common knowledge that a back-bencher in the British House of Commons is practically unable to initiate legislation. There

exist complicated obstacles (even purely procedural ones) which are overcome only with great difficulty. In the USSR Supreme Soviet the right to initiate legislation belongs to both the individual deputy and to other subjects (the Chambers, the Presidium of the USSR Supreme Soviet, the standing commissions, the USSR Council of Ministers, the USSR Supreme Court, the USSR Procurator-General).

Finally, speaking of the openness of public initiative, we should mention that the right of legislative initiative also belongs to public organizations (the USSR Constitution, Article 113).

Here I would like to mention a curious detail. Let us turn to those critics of socialist democracy who assert, contrary to the most basic political realities of socialism, that in the USSR the people are alienated from political discussion, decision-making, and government. It turns out that these critics are themselves deathly afraid of universal political participation, even in Western democracies.

These people, who accuse socialism of restricting democracy, of being a closed totalitarian society, are in fact afraid of the genuineness of socialist democracy.

I recalled this point at conferences of the International Political Science Association when I listened to Ralf Dahrendorf, a sociologist and political scientist well-known in the FRG and other Western countries. This well-groomed gentleman—a skilled speaker—always tried to sound elegant and liberal. In actual fact, however, he preached restricted, elitist public participation in the political process. He held that only a very small part of the public should be the “active public”. According to Dahrendorf, a “totally active public” is not only utopian but also totalitarian.

Still more difficult is the position of those who study Soviet democracy and, for all their bias, cannot deny the universal political activity, and genuine participation of the public in managing the affairs of the state and society. But they are programmed to issue a negative assessment all the same, even at the cost of mental acrobatics.

The reality of socialist democracy, they claim, is not democracy at all. It is only a means of suppressing the persona-

lity, of domination and control. Democracy is thus anti-democracy.

A typical example of turning things inside out is the reasoning of Otto Luchterhandt of the University of Cologne. In 1978 he wrote an article for *Osteuropa* entitled "Basic Rights in the New Union Constitution".⁸⁰ Unable to deny the fact of the Soviet citizens political activity in the exercise of their political rights, Luchterhandt tries to save his arguments by distorting its truly democratic nature.

He concludes: "Active involvement of the citizen in various institutions is an attempt at forestalling the undesirable consequences of a purely passive loyalty and at preventing a situation when the citizen could escape control by withdrawing into his private world."

According to Luchterhandt, a citizen's political and public activity, his involvement in the various institutions that make up the political system of Soviet society, is only a means of preventing his "passive loyalty".

In actual fact, a high degree of public activity reflects the maturity of social relations in the contemporary socialist state. This sociological category is naturally of a higher order than loyalty, let alone "passive loyalty". Political activity expresses the socio-psychological condition of a citizen who feels responsible for public affairs, uses the existing system of democratic participation in government, and is involved in its creative improvement and in the development of new institutions of the overall democratic structure. We should note that public activity is absolutely voluntary. That is why Luchterhandt's fears regarding escape from control are childish: the position of withdrawing into one's private world, of isolating oneself from public life, has long ceased to be typical of Soviet social reality.

Of course, this does not mean that everyone is active in public life. Individually, passivity still exists. In general, however, a high and progressively growing degree of public activity is typical.

Public organizations—a most important component of the Soviet political system—exist and function on the basis of voluntary membership. This principle is secured in the charters

of all public organizations. The 1963 Charter of the Trade Unions of the USSR, for example, proclaims it in the Preamble and in Article 1. The principle of voluntary membership is emphasized in the fact that many public organizations are officially called *voluntary societies*. These are various sports, academic, cultural, scientific and technical, and educational societies. Writers', artists', composers' and journalists' associations are also voluntary.

If we refer again to the concept of "open" and "closed", voluntary participation and equal opportunities to participate testify to the openness of the Soviet political system.

The system of public organizations is also open. It is evolving, developing new elements, and responding to the new need for concerted public action and to the advancement of public interests. For example, new international friendship societies keep appearing to promote joint action for peace and cultural contacts. New societies reflect new spheres of interest, such as protection of the environment, of forests, of historical monuments, and the like. The Lithuanian Folk Art Society or the Moscow Society of Stone Connoisseurs are good examples.

Another aspect of public confidence in government should be noted—the trust in law and the legal system.

I recall the overall conclusion made by the prominent Belgian jurist, the late Professor René Dekkers of the Free University of Brussels. He had devoted much time and energy to the study of Soviet law. He was a pioneer in this field. Shortly before he died I had the privilege of meeting him again, recalling his extended studies of legal practices in the Soviet Union. Dekkers said: "Before we talk of technical differences we should stress the fundamental differences that exist between Soviet law and our law. The spirit is totally different. In Western countries, the law is mysterious, complex, and even frightening (many people do not even dare enter the Palace of Justice). In the Soviet Union, the law belongs to all, and all participate in it."

The Brussels Palace of Justice is indeed imposing. They say it is the largest building of its kind in Europe, larger even than the Palais de Justice in Paris. The architects who designed it in the 19th century must have wanted it to reflect the solemnity of justice.

For centuries various outward attributes of legal procedure (in some cases, carefully preserved to this day) have been used to stress the solemnity and mystery of justice. Red gowns trimmed with ermine, wigs, and the wide resonant corridors all symbolized the forbidding mystique of justice. In the final analysis, it contributed to the alienation of justice from the mass of the people.

Right after the Revolution Soviet justice rejected both the old tsarist laws and the old forms of legal procedure. New procedural forms were established to serve the democratic goals of justice in Soviet society. These forms retained the elements and institutions that reflected mankind's age-old pursuit of justice (competitiveness of the legal process, defense of the accused, the presumption of innocence, etc.).

US journalist Peter Osnos visited Soviet courts and was amazed to learn that trials could be held outside the court house: for example, in a factory club, where the people's court holds public hearings of cases involving workers of this factory.

The location of the courts, the territorial closeness to the public of the basic court unit (the district people's court) makes it easier for people to take their cases to court. It also serves a number of other purposes. The court's accessibility (including its physical, territorial closeness) makes justice, and especially its educational influence, more effective.

The court's accessibility, the fact that justice is "everyone's business", is reflected in several fundamental principles of Soviet legal procedure and court structure. For example, it is obligatory to examine all criminal and civil cases (including labor and family disputes) in the court of the first instance, where the presiding judge, an elected official belonging to the legal profession, directs his two colleagues, elected non-professional judges. Called people's assessors, they are vested with the same rights as the presiding judge.

Public involvement in the legal system has produced specifically Soviet institutions, among them groups of volunteers who protect peace and order in public places, known as people's volunteer detachments to maintain public order.

Public initiative has led to the emergence of a special system of institutions to handle petty breaches of the law that are not

socially dangerous: comrades' courts. They are collectively established by people working at the same place or living in the same area. Under the law, comrades' courts have the right to examine certain types of offenses and to settle personal disputes. Comrades' courts resort to public persuasion measures and fines, and their prime function is moral education. Comrades' courts relieve defendants of punitive measures that may have been imposed by a people's court decision.

All these examples speak of the openness of the Soviet political system. It is open to mass public participation in government, and to effective influence of the public on the evolution of political institutions. Openness means, first and foremost, democratic methods in the organization of social relations.

What we have demonstrated confirms that the terms "open" and "closed" can hardly be of any use for a serious analysis and objective comparison of socially different political systems. We have shown that the cliché "closed society" does not apply to Soviet society. Similarly, an analysis of Western democracy shows that it is far from open.

There is, of course, an aspect of Western society that is indeed open. Perhaps "transparent" would be a better word, since it is increasingly open to covert government surveillance. Sophisticated technology and computer data processing make this surveillance particularly widespread and dangerous.

Various public organizations in the United States, West Germany and Great Britain have recently drawn public attention to the growing threat of police surveillance. In the United States, over 40 organizations and activist groups are now campaigning vigorously, including the Los Angeles Citizens' Commission of Police Repression, the Program on Government Surveillance and Citizens' Rights, the Coalition Against Government Spying of Philadelphia, and the National Organizing Conference of the Campaign to Stop Government Spying.⁸¹

The US Administration was compelled to respond to the public outcry against civil rights violations. Special government bodies were established to draft guarantees of personal inviolability against "excessive" police surveillance. One such body is the Advisory Committee on Automated Personal Data Systems, established by the Department of Health, Education and Wel-

fare. This Committee has published a report entitled *Records, Computers and the Rights of Citizens* (DHEW Publication No. (OS) 73-94).⁸² Among other things, the report admits that "the public fear of ... a pervasive network of intelligence dossiers focuses on the computer, but it includes other marvels of twentieth-century engineering, such as the telephone tap, the wireless microphone, the automatic surveillance camera, and the rest of the modern investigator's equipage." The Committee notes hypocritically that "such worries seem naive" to a data-processing specialist.

To appease public opinion, several directives have been issued. These, however, merely create an illusion of guarantees against police surveillance that pervades public and private life. Besides, their language is so complex and specialized that citizens are practically unable to resort to them. Section 205(c)(2)(B)(i)(II) of the Social Security Act as amended by Section 137 of Public Law 92-603 is a good example.

A curious thing happened in this connection. In 1979 there were calls in the United States to begin preparations for the Bicentennial of the United States Constitution, to be held in 1987. There was talk of updating the Constitution. Experienced law experts justifiably stressed that "changed times have presented wholly new situations calling for constitutional protection of individual and group rights".

Typically, the right to privacy of personal and public life was foremost among recommendations of new human rights provisions to be included in the Constitution. Ironically, the demand for constitutional guarantees against "undue governmental ... curiosity" that appeared in the *American Bar Association Journal*, was raised by none other than William Colby, CIA Director from 1973 to 1976. Mr. Colby is indeed an authority on violations of privacy and on invading the personal, professional and political life of people.⁸³

III

THE RIGHT TO PEACE—THE RIGHT TO LIFE

The Five Links

There are logical links between events showing deep-going natural relationships. There are also false links, invented to conceal the true relationships and the nature of things.

I recall a pointed and interesting discussion on human rights and Soviet-American relations. It was held in Washington, D.C. on June 12, 1977. Sponsored by NBC television, the debate was shown live from Georgetown University.⁸⁴ Two teams were invited.

The American team was led by the Reverend Theodore Hesburgh, President of Notre Dame University, prominent scholar and public figure, and included Robert Kaiser of *The Washington Post* (for several years its Moscow bureau chief), and Professor Alan Dershowitz of Harvard Law School.

On the Soviet side, my teammates were Genrikh Borovik, journalist and playwright (for several years Novosti Press Agency correspondent in New York), and Professor August Mishin of the Faculty of Law, Moscow State University.

The rules of the game were mostly new to us. The 90-minute discussion was divided into two parts and four- and three-minute pieces for each participant. These alternated with three-minute periods for additional questions and answers. The strict timing and the prearranged format were to guarantee equal opportunities for both sides. Popular journalist Edwin Newman was a tactful moderator. The role was not new for him, since he had moderated the televised Presidential debate between Gerald Ford and Jimmy Carter in Philadelphia in 1976.

We, the Soviet team, welcomed the chance to state our views (even though they had to be presented in a polemic form) on human rights, and explain the latter's linkage with the Soviet Union's drive for peace, detente and peaceful coexistence. The audience was interested. Viewers requested a repeat, and a week later, on June 19, the program was shown again,

during prime time, by 250 local stations. On June 20 it was repeated specially for the New York area.

Viewers' response confirmed that even though the mass media shower the American public with misconceptions about the Soviet Union, there were many of those among an audience that generally knew little about our country who had an open mind and wanted to know the views and ideas of the "other side".

Summing up the discussion, Father Hesburgh said: "... what we are doing here today is not just an exercise like playing a basketball team. It's a terribly, terribly important thing, because it hits the inner life of peoples. It lays the foundation for peace..."

We share this view. It reveals an important interrelationship between realizing the truth—including the truth about human rights—and working to strengthen mutual understanding, cooperation and peace.

Still, during the discussion we also encountered attempts to present things in a different light.

Robert Kaiser opened his remarks with the following words: "The Soviet Union and the United States are unique countries. We can destroy each other. We both know that and we are both afraid of that. Detente, what the Soviets call relaxed international tensions, is meant to help us avoid the confrontations that could lead to disaster. To succeed, detente must be accompanied by trust. The United States and the Soviet Union have to be able to trust each other. But Americans find it difficult to offer full trust to a country which deprives its citizens of what we think of as basic human rights..."

There are several links in this passage. Some of them are real. Certainly, detente is unthinkable without trust. That is why the Soviet Union steadily pursues a policy aimed at building confidence in international relations: we have always unswervingly observed all our treaty obligations. The end of the passage, however, presents a link based on a false construction. The actual link is broken by a falsehood.

Robert Kaiser ignores the objective link that exists between socialism, democracy and human rights under socialism, between socialism and the drive for peace. This link derives from the very

nature of socialism and is objectively indissoluble. Robert Kaiser can sow distrust of the Soviet Union as an absolutely reliable partner in detente and international cooperation only if his audience remains insufficiently informed. Trust is indeed necessary. But trust can be strengthened only by rejecting prejudice and removing psychological barriers. And, incidentally, a hammer and sickle on the wolf's bonnet in the Red Riding-Hood television cartoon can hardly breed trust.

What are the true links between peace and human rights and what do we think about it in the Soviet Union?

Link One. Peace is the best environment for social progress, for advancing and ensuring human rights. Peace and detente produce material conditions favorable for exercising social, economic and political rights, and allow them to take root more firmly all over the world.

A world without war possesses a great and manifold creative potential. Peace, detente and disarmament create the best possible climate for using the limitless opportunities of the scientific and technological revolution and for solving the often elementary problems of socio-economic development.

The Soviet people want to see the future world not only as a world free of war, but also as a world worthy of man, a world of stability and justice.

This ideal is deeply humanitarian and democratic. It is not a utopian goal, its feasibility is borne out by scientific logic.

The relationship between international cooperation for peace, security and respect for human rights is embodied in the United Nations Charter, the basic constitutional instrument of the world organization. During the drafting of the Charter at the 1945 San Francisco Conference, it was the Soviet delegation that submitted, on behalf of the four powers (the USSR, the United States, the United Kingdom and China), an addition to paragraph 3 of Article 1. It stressed the need for "promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". The amendment was accepted and became part of the Charter.

United Nations documents have repeatedly stressed that "peace is the underlying condition for the full observance of

human rights and war is their negation" (this quote is from a resolution adopted by the UN-sponsored International Conference on Human Rights in 1968).

In recent decades, the world has made definite progress in social advancement and human rights.

But mankind's living body is still scarred by the recent wars and acts of aggression. The wounds inflicted by colonialism also remain unhealed.

Many important social problems are still unresolved. In many regions of the world human rights are systematically and grossly violated.

How can one match the marvels of modern civilization with the physical and moral agony of countless millions of people? One half of the human race still suffers from hunger and malnutrition. Hundreds of millions are illiterate. Tied to the arms race, the economy of imperialist countries is constantly shaken by inflation and crises.

The burden of the arms race, borne by the poorest sections of the population, prevents nations from solving many a pressing issue of social progress.

The Final Document of the Special Session of the United Nations General Assembly on Disarmement condemned militarism in the following words: "The hundreds of billions of dollars spent annually on the manufacture or improvement of weapons are in sombre and dramatic contrast to the want and poverty in which two-thirds of the world's population live."⁸⁵

Even magicians would hardly be able, in one hundred years, to work the wonders that would be possible if the gigantic military expenditures were directed to creative peaceful endeavor. Countless estimates have been published to prove this. One amazing example is that a mere eight per cent of what the world spends annually on weapons would be enough to solve the most pressing food problems and feed the 500,000,000 of the world's hungry.

Let us return to the question of trust. Militarism and the arms race (resolutely opposed by the Soviet Union and other socialist countries) tend to create distrust. The military-industrial complex has a vested interest in it. A militarized economy needs distrust, mass hysteria, and speculation over the mythical So-

viet military threat and the "inevitability" of another world war.

Those who oppose this trend, who want to strengthen confidence as part of the complex process of detente, welcome cooperation for stable peace. The Helsinki Conference stated that security and cooperation in Europe would be promoted, among other things, by a program of cooperation and exchange "in humanitarian and other fields". The preamble to the relevant section (Basket Three) of the Final Act begins as follows: "The participating States, desiring to contribute to the strengthening of peace and understanding among peoples. . . ."⁸⁸

The Final Act has a separate provision for sports in the system of international contacts. I mention this because these days the professional enemies of cooperation among nations often use any pretext, including the human rights issue, in their calls to wreck the 1980 Olympics in Moscow.

The true interdependence between the Moscow Olympic Games and the overall process of detente was very aptly expressed by Philip John Noel-Baker, prominent British public figure and Nobel Prize winner. Ninety-year-old Lord Noel-Baker is President of the UN-affiliated International Council of Sport and Physical Education. Interviewed in this capacity, he stressed that the Olympic movement and the drive for disarmament and peace on Earth were obviously linked and represented two sides of the struggle for social progress. The noble calling of the Olympic Games, he said, was to promote understanding among nations and to bring them closer together. Asked about what distinguished the Moscow Olympics from other Games, Lord Noel-Baker stressed that they would be held in an era of universal significance: the era of a difficult but increasingly inevitable transition from the cold war and confrontation to detente.

In the autumn of 1979 I talked to Lord Noel-Baker at Campobello, during the Peace and Human Rights—Human Rights and Peace Conference. Noel-Baker told me he had run the 1,500 meter race in the First Olympic Games in Stockholm in 1912. In the early 1920s he worked with the famed Polar explorer Fridtjof Nansen to aid the starving population of the drought-stricken Volga and Ural regions. He was a World War II Cabinet member under Winston Churchill. His long and rich

experience has led him to the following conclusion: "Nothing can defeat an idea whose time has come. The age of peace and disarmament is coming."

Link Two. The right to live in peace is a basic and essential right binding together the entire system of human rights and freedoms.

The right to live in peace is in fact the right to life itself; it tops the scale of values of human rights since it is the prerequisite of all other rights.

The supreme expression of the right to live is the right to live in the totally emancipated and genuinely free environment of socialism. The supreme expression of the synthesis of the right to peace and of justice is the right to live in a world of international security and social justice.

The right to live in peace is a right of man as an individual. It also belongs to nations and should be extended to the entire human race. War is a denial of this right, of the supreme human value—life—and the paramount human right to live in peace and security.

There is hardly a nation in the world that has suffered as badly from war as the Soviet people. Our country paid 20 million lives for victory over nazism in World War II. Every Soviet family has lost someone in this war. Perhaps this explains why no other people wants peace more.

There are many sad and solemn places in the world. Across the Potomac from Washington, D.C. there is the Arlington National Cemetery where American soldiers killed in all the wars fought by the United States are buried.

There is the Piskarevo Memorial Cemetery in Leningrad, where 400,000 Leningraders are buried. They are only part of those who were killed by nazi bombs or died of starvation during the siege, when Leningraders, together with the soldiers fighting in the frontlines, held out, saved their freedom and defeated the nazi hordes.

Arlington and Piskarevo differ in scale. So does the pain suffered by the two nations, and so does the understanding of the tragedy of war.

I visited Arlington on Veterans' Day. Together with the Americans we of the Soviet Union (our group included General

David Dragunsky, fearless fighter and twice Hero of the Soviet Union) bowed our heads before the famous memorial to the courageous handful of Marines who fought the Japanese on the island of Iwo Jima in the Pacific.

A few years later, in the summer of 1979, I visited the Piskarevo Cemetery together with a delegation of the American Bar Association, invited to the USSR by the Association of Soviet Lawyers. As the Vice-President of this Association, I accompanied the Americans on their tour of the country. The delegation was led by Griffin B. Bell, Attorney General of the United States.

The trip to Leningrad was a week after Chairman of the Presidium of the USSR Supreme Soviet Leonid Brezhnev and President Jimmy Carter of the United States signed SALT-2. We all felt the impact of this historic occasion. When our guests learned about the heroic history of Leningrad that had stood the terrible siege, this naturally evoked thoughts about preserving peace. Mr. Bell wrote in the guestbook at Piskarevo Cemetery: "This cemetery is a reminder to the USSR and the United States, indeed to all nations, of the horror of war and the need to live in peace."

The next morning the Attorney General developed this idea further when he told a meeting in the Leningrad City Soviet: "We did not fully appreciate the spirit of peace in the Soviet Union behind SALT-2 until we came to Leningrad. . . . Leningrad symbolizes the tenacity of the human spirit. In that sense we are all Leningraders."

For all the tragedy of the siege of Leningrad, it is just one of many heroic deeds of the Soviet people. There are soldiers' graves all over the Soviet Union—by the roadside, in villages, towns and cities stand countless statues of soldiers bowing over these graves. Soviet soldiers who died for the freedom of Europe are also buried on the banks of the Vistula in Warsaw, in the Treptow Park in Berlin, in Brussels and Genoa.

There is documentary evidence of the horrors of war. Literature and the arts have depicted them. But the best description cannot match the memories of those who fought in the war. Those who saw death in the war will never forget it. Death

in an assault, death under heavy shelling, death of infantrymen riding on a tank's armor—any death is terrible. For me the most chilling now, almost forty years later, is the memory of soldiers in single file walking along the edge of a forest, ambushed and mowed down by machine-gun fire.

More and more people around the world realize that peace and human rights are organically linked. They raise their voices to demand that the right to peace be recognized as a basic human right.

The growing acceptance of this approach was evident at the Peace and Human Rights—Human Rights and Peace Conference, named after Dr. Armand Hammer, prominent US industrialist and public figure, and held on the island of Campobello in the autumn of 1979.

Campobello is a small, quiet island, politically part of New Brunswick, Canada, but separated from the State of Maine by a narrow tide-rip. It is the site of Roosevelt International Park. The Roosevelts had a family cottage here, and Franklin D. Roosevelt used it as his summer retreat. After his death, the cottage was bought by Dr. Hammer who donated it to the government so the memorial park could be set up.

Americans associate Campobello with President Franklin D. Roosevelt. His name is linked with the years of the joint struggle of the peoples of the Soviet Union and the United States against nazi aggression, for peace and human dignity.

The Campobello Conference was sponsored and vigorously supported by Dr. Hammer. This man has done much to make US-Soviet relations stable and positive. All his long and tireless life Dr. Hammer has actively promoted economic and cultural cooperation between the United States and the Soviet Union. As a young man he visited Soviet Russia, the new world (to many, then in the shadows), which the Bolsheviks were beginning to build. He met Lenin. In 1921 the young doctor shipped American wheat to relieve the famine in the Ural and Volga regions. Today, almost six decades later, Dr. Hammer is busy with a giant long-term bilateral chemical and fertilizer project.

The Campobello Conference brought into focus the rich experience of over forty people from twenty-odd countries who had championed international understanding in their different

fields and by different methods. Most of them had chosen peace and human rights as their personal and public goal.

As Dr. Hammer noted in his speech, the world was at a turning point of history. One of the things that brought it about was the signing of the SALT-2 Treaty. Never before has mankind realized so fully that peace among nations was the key requisite for implementing human rights and that the right to peace should be universally recognized.

When Adam Lopatka, prominent Polish lawyer, was asked whether the right to live in peace was a basic human right, he replied: "It appears that it is, since this right protects a value which is exceptionally important for mankind, nations and individuals—peace."

In its Final Document the Conference solemnly reaffirmed that "the right to peace should be recognised as a human right."

Some parameters of the concept of the right to peace are still unclear. There is no unanimity regarding all its aspects. Much will have to be discussed before this concept is fully explained. For example, I find it hard to agree with the extremely subjective interpretation of the right to peace primarily as the right of an individual to refuse to serve in the armed forces on personal grounds, on the strength of "inner convictions".

A subjective assessment and the consequent refusal to do one's duty as a soldier is hardly an effective way to promote peace. Of course, in certain situations, refusal to take part in military aggression or to follow criminal orders can be the only subjectively, socially and politically justified alternative. During the Campobello Conference Henry Giniger of *The New York Times* kept asking me why I did not unconditionally accept the civil right to refuse to be drafted. Mr. Giniger quoted part of my answer as follows: "Samuil Zivs ... said that conscientious objectors who fled the United States to avoid the Vietnam war were less effective than those who demonstrated their opposition to the war within the United States."

I would also like to add that my country's record demonstrates only one aspect of the civic duty of serving in the armed forces—defense of the country. When in 1941 the entire Soviet people rose to defend their country against nazi aggression,

thousands of young people (myself included) volunteered to fight even before they were drafted.

Of course it will take time and effort to fit the right to peace into the key international legal instruments. The important thing is that today the right to peace as a human right is already beginning to emerge as a juridical norm.

Link Three. The ideals of peace go together with humanism and democracy. By promoting durable peace we are promoting lofty moral and humanitarian ideals, and the highest one of all—the universal human right to live in peace.

In its Decree on Peace the first socialist country proclaimed protection and strengthening of peace as its strategic goal. This was a few days after the Soviet Republic was founded. For the first time in history, humanitarian ideals were introduced in international relations. The peace policy of the Soviet Union and the other socialist countries is by nature humanitarian and democratic.

The historic mission of communism is to liberate peoples from all forms of social injustice and oust war and violence as a means of resolving international disputes. Socialist society has geared its scale of values to democracy and social justice. This has strengthened the determination of the Soviet government to introduce democracy into political and economic international relations, both in content and in form.

The firm position of the socialist countries on the world scene and the change in the balance of forces between socialism and capitalism have made the concept of peaceful coexistence a real political force. This is one of the greatest victories of the Marxist-Leninist ideology.

The concept of peaceful coexistence served as a basis for the great Peace Program. The 1977 Constitution of the USSR has raised peaceful foreign policy to the level of fundamental constitutional law.

The principle of peaceful coexistence was welcomed by the realistically minded world public. Today it is the accepted and most progressive basis for shaping international relations, for today any form of international legal protection and international cooperation in the human rights field is only possible in conditions of peaceful coexistence.

Link Four. Protection of human rights must be viewed in close association with the other fundamental principles of international relations.

This was reflected in the Final Act of the Helsinki Conference on Security and Cooperation in Europe. The Soviet Union and the other socialist countries promoted protection of human rights as one of the "principles guiding relations among participating States".

Significantly, among the ten basic principles listed in the Final Act, the following two are found side by side: the sixth, "non-intervention in internal affairs", and the seventh, "respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief".

It is no more than logical that both these principles are included, and listed side by side. Those who would like to interfere in the internal affairs of socialist countries under the pretext of protecting human rights take pains to keep clear of this logical connection, since it obviously means that concern for human rights cannot be used as such a pretext.

In so many high-sounding declarations and international instruments signed by US representatives interference in the internal affairs of other countries is proclaimed inadmissible. Nevertheless, systematic and often openly cynical interference is a routine element of US global strategy.

Here we are dealing with another link or rather, absence of any link between publicity and the unadvertized real thing. We should also note that US interference deprives whole nations of their basic rights and installs regimes notorious for gross and massive violations of human rights and freedoms.

Take the Chilean example, examine it in detail, because it is typical and because worldwide concern about Chile's tragedy has made many of the details public.

Let us assume that we are watching a film show where different documentaries filmed at the same time in different places are shown on several screens simultaneously.

Screen One. Monday, September 10, 1973, one day before the fascist putsch. Santiago de Chile. Orlando Letelier, Minister of National Defense in the Popular Unity Government of President Salvador Allende, has a two-hour talk in his office with

General Augusto Pinochet, Commander-in-Chief of the Army.

The general "reiterated his democratic convictions and his feelings of admiration of, and loyalty to, President Allende, as well as his resolution to do his duty of a soldier defending to the end the Constitution and personally the President of the Republic". (The text is from a verbatim record of testimony given by Orlando Letelier at a session of the International Commission of Enquiry into the Crimes of the Military Junta in Chile, held in Mexico City on February 18-21, 1975).

Screen Two. September 10, 1973 (same day), Santiago de Chile. Representatives of the Santiago CIA station, together with the top military conspirators are going over the last details of the coup: the bombing of the Presidential Palace, use of sports stadiums as prisons, the setting up of concentration camps, etc. Two CIA collaborators are detailed to prepare a *White Book of the Change of Government in Chile*, to be published by the junta in a few weeks. Operation Silence is approved—a plan to sabotage the *Portales* and *Corporación* radio stations in the Chilean capital.

13:30 hours. General Pinochet and General Mendoza of the Carabineros (two of the four military junta members to proclaim themselves rulers of Chile on the next day) arrive at a Cabinet meeting. The President announces his plan to hold a nationwide referendum on September 14. Pinochet and Mendoza realize they cannot delay any longer.

Screen Three. Washington, D.C. The 23rd special meeting of the "40 Committee" on planning and coordinating "covert action in Chile".

In the frame (left to right): CIA Deputy Director Thomas Karamessines, CIA Director Richard Helms, Under Secretary of State U. Alexis Johnson, Assistant Secretary of State Charles Meyer, and a speaker facing away from the camera. He is saying: "The CIA made 21 contacts with key military and *Carabinero* (police) officials in Chile. Those Chileans who were inclined to stage a coup were given assurances of strong support at the highest levels of the US Government both before and after a coup.... Ambassador Korry... was authorized to encourage a military coup." (The script is based on *Covert in*

Chile, Staff Report of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, printed in Washington, D.C. on December 18, 1975 by the Government Printing Office, document 63-372.)⁸⁷

Screen Four. The Capitol, Washington, D.C. A hearing at one of the Subcommittees of the Senate Foreign Relations Committee. The room is crowded, reporters' cameras flash. Assistant Secretary of State Charles Meyer is speaking: "The policy of the Government, Mr. Chairman, was that there would be no intervention in the political affairs of Chile.... The policy of the United States was that Chile's problem was a Chilean problem, to be settled by Chile." (The script is based on *Multinational Corporations and United States Foreign Policy*, Hearing before the Subcommittee on Multinational Corporations of the Foreign Relations Committee, Washington, D.C., Government Printing Office, 1973, Part 1.)⁸⁸

Link Five. International cooperation in the field of human rights is only possible in conditions of peace.

The socialist countries have repeatedly stressed that they consider it imperative for the international community to work toward solving vital problems that face mankind, and especially the younger generation, to promote better living and working conditions for the masses, to eliminate racism, apartheid, and the propaganda of war, violence, amorality and hatred. They expressly reiterated this in the Declaration of the Warsaw Treaty Member Countries adopted at the Moscow session of the Political Consultative Committee on November 23, 1978.

The Soviet Union and other socialist countries steadily promote effective international cooperation in the human rights field in keeping with the purposes and principles of the United Nations Charter. The humanitarian concept of international cooperation to ensure human rights was itself born during the emergence on the international scene of the first socialist state. It should be emphasized that international cooperation in promoting rights and freedoms is a necessary element of the socialist concept of human rights.

In his address to participants of the International Conference of Jurists on Peace, International Cooperation and Detente, Leonid Brezhnev wrote: "We are for human rights—real, assured

and protected by law, for rights that guarantee man a worthy place in society. The Soviet Union, having ratified all the principal international covenants, conventions and other agreements relating to human rights, follows them unswervingly."⁸⁹

Joint elaboration and adoption of international agreements on human rights and, most importantly, international obligations under these agreements, are the most significant form of international cooperation in the field of human rights: the United Nations has drafted and adopted about 20 such international instruments. Let us turn to the principal agreements and see what countries acceded to them.

On March 17, 1977 President Carter addressed the United Nations. He spoke about the United States' "commitment to human rights" and declared: "To demonstrate this commitment, I will seek Congressional approval and sign the UN covenant on economic, social and cultural rights, and the covenant on civil and political rights. And I will work closely with our own Congress in seeking to support the ratification not only of these two instruments, but the United Nations Genocide Convention, and the Treaty for the Elimination of All Forms of Racial Discrimination, as well."⁹⁰

Such were the assurances given by the President of the United States. But nothing has changed. The United States has not ratified a single key convention on human rights. Just signing a convention without subsequent ratification entails no legal obligation. For example, the Genocide Convention was signed by the United States 30 years ago and is still not ratified. In 1966 the United States signed the International Convention on the Elimination of All Forms of Racial Discrimination. It has not been ratified either.

Let us draw up a table on participation (or non-participation) by the Soviet Union and the United States in the key international legal instruments on human rights.

	Soviet Union	United States
International Covenant on Civil and Political Rights	yes	no
International Covenant on Economic, Social and Cultural Rights	yes	no

	Soviet Union	United States
International Convention on the Elimination of All Forms of Racial Discrimination	yes	no
Convention on the Prevention and Punishment of the Crime of Genocide	yes	no
Convention on the Suppression and Punishment of the Crime of Apartheid	yes	no
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	yes	no
Convention on the Political Rights of Women	yes	joined in 1976
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity	yes	no

This list could go on and on.

How does this compare with the high-sounding statements on commitment to human rights and their protection through international instruments?

The expression "double standard" sums up the situation nicely. The 1976 edition of *Webster's New World Dictionary* defines it as a "system, code, criterion, etc. applied unequally".⁹¹

Basic human rights and freedoms and their protection brook no double standards. They call for openness, consistency and honesty. That is the essence of everything that links human rights to peace.

Compatibility: Humanitarian Ideals and the Spirit of Peace

International cooperation in the field of human rights should be based on optimism and trust.

Regrettably, the Western press is sometimes overly skeptical and wary of the very institution of human rights. We are aware

that this pessimism is rooted in different causes, including the fact that many proclaimed rights and freedoms are not and cannot be realized in the social environment that surrounds the skeptics.

For example, Douglas Williams of Great Britain, expert on developing countries and until 1977 Deputy Secretary at the Ministry of Overseas Development, complains that "‘Human rights’ is simply a propaganda weapon in the hands of those who have other causes to serve".⁹²

Olivier Vial of the French Movement for a Non-Violent Alternative thinks that all talk about human rights is hypocrisy. "Power of the State", an article he published in *Le Monde*, begins as follows: "Human rights do not exist. What exists is the right of States, in other words, the right of the stronger."⁹³ He adds: "Human rights do not exist; what exists is a universal and official declaration of moral principles which theoretically underlie the rights of the individual, of the family, and of society."

We believe that the universal and official recognition and proclamation of rights and freedoms by the United Nations is an important albeit initial advance. Naturally, the distance between what is proclaimed and what is real depends on the realities of different social systems: in some they hamper and in others encourage realization of rights and freedoms. But even their proclamation and legal recognition is clearly a step forward.

This can and should serve as a basis for international efforts to spread the ideals of peace and respect for human rights, and other humanitarian values.

Practical implementation of the humanitarian ideals embodied in the United Nations Charter requires purposeful education of the younger generation in the spirit of peace, friendship among nations, and deep respect for human dignity.

The Soviet people welcomed the Declaration on the Preparation of Societies for Life in Peace, adopted by the United Nations General Assembly on December 15, 1978. The draft declaration was submitted by the Polish People's Republic and co-sponsored by 27 socialist and non-aligned nations. As many as 138 countries voted for it.

The Declaration calls on all countries to consider preservation and strengthening of just and durable peace for the benefit of current and future generations their supreme task, to create favorable conditions for the educational system and the mass media to teach the public, especially the younger generation, in the spirit of peace.

This process of transforming the educational system is truly a priority task. Education in the spirit of peace means education in the spirit of civic virtues, of responsibility toward society.

Among the delegates to the World Assembly of Builders of Peace, held in Warsaw in 1977, was Jacques Muhlethaler of Switzerland, dedicated pacifist and long-time advocate of "the school as an instrument of peace". An emotional speaker, he was warmly welcomed by the Warsaw Assembly delegates. He spoke for all of us when he said that "teaching civic virtues depends on school", that the school should serve as an instrument of peace and promote amity and cooperation among nations.

A few years ago Jacques Muhlethaler visited a Moscow school where most subjects were taught in French. Later he wrote that "regardless of any political considerations, the Russian child receives an education which arms him against our natural egoism, against our acquisitiveness, against indifference to our civic and human obligations of men who are to live in society."⁹⁴

Teaching civic virtues to Soviet children means teaching the younger generation their duty to society, their basic rights and the ways to exercise them.

This education also cultivates selfless devotion to the Motherland, readiness to defend it, and to defend peace and justice in the world. The humanitarian ideals of the dignity and rights of man are an integral part of this education.

Safeguarding Peace: Verification and Confidence

On June 18, 1979, at the Hofburg in Vienna, after Leonid Brezhnev and Jimmy Carter signed the Soviet-American Treaty on the Limitation of Strategic Offensive Arms and the accompanying documents, the two leaders made brief statements.

Assessing the long-awaited event, Leonid Brezhnev stressed that "in signing this Treaty we are helping to uphold the most sacred right of every man—the right to live".

Indeed, safeguarding world peace serves this end.

Today, the status of this right depends to a great extent on Soviet-American relations. The state of these relations is now of universal significance. This point is emphasized in the Joint Soviet-American Communiqué of June 18, 1979, which says that "there is agreement between the Sides that the state of relations between the Soviet Union and the United States is of great importance for the fundamental interests of the peoples of both countries and that it significantly affects the development of the international situation as a whole."

In our nuclear age there is no other basis but peaceful coexistence for maintaining Soviet-American relations at the desired level.

There is no alternative. Rather, the alternative is unacceptable. Significantly, responsible politicians, scholars and journalists in the United States use the words "debacle" and "holocaust" as antonyms of peaceful coexistence.

The development of Soviet-American relations is a complex and integrated process. Still, some elements are more important than others. Many are contingent on the key element that determines the overall picture.

This key element is the prevention of a nuclear catastrophe and denial of the mad logic of stockpiling weapons. Guided by this truth, we have to realize that the physical capability for mutual destruction must lead to a mutual interest in limiting the strategic arms race. Unrestricted rivalry in producing ever more sophisticated means of mass destruction can no longer make either side more secure.

This realization lies at the root of the need to overcome the traditional reflex of looking for security in unbridled growth of the war potential. It has led to the inescapable conclusion that this reflex must be replaced by a new system of security shaped by political consensus. It is the road of negotiation and agreement. Negotiation is sometimes lengthy and difficult, but it leads to agreement, to a bilateral legal instrument expressing political consensus.

Law and legal instruments are products of civilization. The signing of the SALT-2 means that law has become a mechanism to aid in protecting civilization. SALT-2 reflects political realism. Proceeding from the equal mutual interest of the parties, it expresses and formalizes the concept of equal obligations and an equitable balance of interests.

This leads us again to the subject of confidence, in this case confidence in the treaty and in legal instruments.

Greater confidence in law, in governing relations among states by legal means, is obviously a positive factor. The debates over the SALT-2 have repeatedly raised the question of monitoring and verifying observance of the Treaty. Naturally, verification is important if complete confidence is lacking.

A jurist's ideal would be the kind of confidence in the Treaty and in legal means that would help overcome the persistent vestiges of the cold war mentality, and overcome distrust.

Confidence in your partner is also confidence in international agreements and practical embodiment of the principle of the inviolability of treaty obligations.

Scrupulous observance of international treaty obligations, an everpresent element of Soviet foreign policy, has been elevated to a constitutional principle in the 1977 Constitution of the USSR.

Once—I would even say in a past era—Dean Acheson, then US Secretary of State, formulated the following thesis: national survival is not a legal issue.

Today we can say that the survival of peaceful coexistence, of detente has acquired legal aspects.

We have entered the age of interdependence—between confidence and scrupulous observance of treaty obligations, between curbing the arms race and preserving peace and life on Earth.

Understanding this interdependence is the only way to securing the right to peace, the right to live.

Here I would like to quote the words of Boris Ponomarev, one of the leaders of the Communist Party of the Soviet Union. Soon after SALT-2 was signed, he said the Soviet Communists had come to the conclusion that "new efforts are constantly needed to realize the greatest task of our age—securing for

every nation and every man on Earth the fundamental right to live".⁹⁵

This right is truly fundamental and sacred. Without it, any debate about rights and freedoms is meaningless. It is the cornerstone in the edifice of relations among nations and men without which the very concept of life loses priority.

IV

WHO PROFITS FROM THE HUMAN RIGHTS CAMPAIGN?

"What's wrong, then, with 'Human Rights'? Nothing, except that, in the year or so since the term 'Human Rights' was moved to the center of our political stage by President Carter, it has lost some of its nobility and gained a measure of tawdriness." That is a quote from a recent speech in Washington by Peter Weiss, Chairman of the Board of Trustees of the Institute for Policy Studies and Vice-President of the Center for Constitutional Rights.⁹⁶

The human rights issue "lost some of its nobility" when it was turned into a campaign. Tawdriness appeared when the profound interest in human rights began to be exploited and ideologically manipulated to suit foreign policy aims.

Measured Pressure

The human rights campaign has turned into a multipurpose political and ideological weapon. This campaign mostly charges human rights violations against the socialist countries and is used to undermine positive trends in international relations. It is used against detente and, especially, against the cooperation and security proclaimed in the Final Act of the Helsinki Conference. It is alleged that the socialist countries deliberately refrain from observing agreements on international cooperation and are therefore unreliable as partners in detente.

The campaign is used to malign the existing socialism, to weaken its power of attraction and to discredit those forces in the West that support greater friendship with the socialist countries and mutually beneficial cooperation.

Another reason why anti-communist propaganda turns to issues of democracy, human rights and legality in the socialist countries is that misinformation here profits the ideological

counter-offensive against Communist and Workers' parties in a number of West European countries.

The human rights campaign serves the strategic goal of anti-communism—weakening the political systems in the socialist countries. It is part of the concept of eroding communist ideology, of plans to “reform” socialism from within, and subvert it by employing people hostile to its ideals.

This strategic goal of the human rights campaign is carefully concealed, since any realistic politician in the West would hardly expect such adventurism to succeed. Only the most foolhardy openly dream of it, revealing the true intentions of those who disguise their interventionist plans with pseudohumanitarian talk of protecting human rights in Eastern Europe. A perfect example of such frank cynicism was recently supplied by the West Berlin politician Lummer of the Christian Democratic Union. In his article “In Defense of Measured Pressure” (a typical heading) in *Rheinischer Merkur* of July 28, 1978, he blurted out that “protection of human rights and of self-determination demands that communist regime in Eastern Europe be changed and removed”.⁹⁷

The human rights campaign occupies a central place in the strategy and tactics of psychological warfare.

Since 1977, it has been elevated in the United States to official government policy. Among other things, this means that the government apparatus has been involved in it. This has been repeatedly stressed by the Carter Administration and is evident from innovations in the government structure: institution of the office of special Coordinator of Human Rights and Humanitarian Affairs in the State Department, and later the office of Assistant Secretary for Human Rights and Humanitarian Affairs.

The official introduction of the ‘human rights doctrine’ in foreign policy serves other goals too, among them, raising the severely damaged international prestige of US imperialism, and concealing the military, diplomatic and political support it renders to reactionary dictatorships all over the world.

As part of official foreign policy, the human rights campaign is used for interfering in the internal affairs of the socialist countries. As Leonid Brezhnev stressed, “this campaign

is a direct attempt to interfere in our internal affairs and consequently a gross violation of the letter and spirit of the Helsinki Final Act".⁹⁸

The Fate of Baptized Infants: a Typical Case of Misinformation

Misinformation is an organic and essential element of the human rights campaign.

On the one hand, its managers rely on the insufficient public knowledge in the West of many aspects of the socialist political system and of the true status of citizens in socialist countries. On the other hand, great efforts are made in manufacturing and disseminating false information on a mass scale. Misinformation about socialist democracy is thus deliberately used as a means of propaganda and government policy.

Baron Münchhausen's tales pale in comparison to absurdities concocted by present-day experts in misinformation.

Here is a typical example.

In late 1977 various Kremlinologists, experts on "human rights violations in the socialist countries", and emigré dissidents were assembled in Italy for another "hearing", where they tried to outdo one another's malicious fabrications.

Italian intellectuals rejected them. Italian public opinion spurned them.

Among the peddlars of misinformation who arrived in Italy was Anatoly Krasnov-Levitin. This man specializes in tales of suppression and persecution of religious believers in the Soviet Union. On November 30, 1977 *Il Tempo* reported his allegations that terror was used against believers in the Soviet Union.⁹⁹ Speaking in Venice, Krasnov-Levitin described the "system of repression" against believers which allegedly follows them from the cradle to the grave: "A child is born into a family of believers. What problems arise with regard to baptism? The lists of baptized children are sent to the Party: if the parents are Party members, they are expelled, otherwise they are dismissed from their jobs.... Then they are exiled as 'anti-social elements'. The infant goes to an orphanage." The problem of the funeral: "A church

funeral is very dangerous for the family." A believer is always in danger: he is either imprisoned for 25 to 40 years or put in a psychiatric hospital. Without batting an eyelid, Krasnov-Levitin claims that "religious faith... for Soviet doctors is, in fact, a symptom of mental deviation". These inventions are not even remotely plausible.

A few days before he spoke in Venice, Krasnov-Levitin told the press in Rome that "the KGB destroyed the village of Gorlovka to punish the villagers for having held a thanksgiving service for good crops.... Today there is nothing left of this village".

Still, tales about baptized infants sent to orphanages sound innocent compared to the grotesque fantasies about plans of "physical extermination of believers in the USSR".

These wild accusations are obvious lies, but tales are still being told, with a straight face, of people "killed for their faith". "Neo-martyr" is a new term coined to lend at least a semblance of modernity to the stories of people "embracing torture and death at the hands of Bolsheviks in the name of faith".

It is sad to see these tales told in the West by clergymen who know perfectly well both the true position of the church and that there is no discrimination, let alone persecution, of believers in the USSR.

The pastors that scare their congregations with stories of "neo-martyrs" must surely know that believers in the Soviet Union can worship in 20,000 temples: Russian Orthodox, Catholic and Lutheran churches, synagogues, mosques, prayer houses of Evangelical Christians-Baptists, Buddhist temples, Old Believers' churches, and other places of worship.

How can one relate the inventions about physical extermination of believers to the fact that there are religious educational establishments in the Soviet Union: theological academies and seminaries of the Russian Orthodox Church, Catholic seminaries, a Moslem academy and madrasah, a Jewish yeshiva, and a theological academy of the Armenian Church.

But those who champion the false cause of protecting persecuted Soviet believers have their own mission.

There were times when missionaries followed in the footsteps of the Crusaders, conquistadores, and the like. Propaga-

tion of the true faith often went hand in hand with conquest by fire and sword. There were times when in Western Russia missionaries forcibly drove people to Uniate churches, whipped, jailed and starved those who resisted, and took their children away from them. This was done in the name of the true faith too.

New pseudomissionary organizations with dramatic-sounding names have mushroomed recently—Slavonic Mission, Mission to Aid the Church of the Martyrs, Christian Eastern Mission, Beyond the Iron Curtain Mission, etc.

These organizations have a mission of their own. Having learned of their activities, Rev. Heinrich Hellstern, prominent theologian and long-time head of the Charity Service of Swiss Evangelical Churches, noted with indignation that "the so-called Aid the East missions use all kinds of crooked and illegal ways". The Rev. Hellstern rejected inventions about the suppression of churches in the socialist countries. "Criticism leveled against the East sometimes has much less to do with Christ than with hatred of socialism," he wrote in the Basel *Unsere Welt*.¹⁰⁰

A lot is written in the West about persecution of believers in the Soviet Union. It is alleged that the constitutional freedom of religion is not guaranteed in reality. In this connection I recall an episode that occurred in late June 1979. Elsewhere in this book I have already mentioned the visit to the Soviet Union by a delegation of US lawyers led by Attorney General Griffin B. Bell. In Tashkent, the delegation was received by A. Tursunov, Deputy Chairman of the Council of Ministers and Foreign Minister of the Uzbek SSR. The talk was drawing to an end when the Americans asked about the places of worship open to believers in Uzbekistan. Mr. Bell's question whether there was a Baptist church in Tashkent baffled Tursunov. The Minister confessed he simply did not know and had to make inquiries. Yes, there was a Baptist prayer house in Tashkent. Mr. Bell said he wanted to visit it right away. We left at once and were soon there. It turned out that after the earthquake that had devastated the city, the Tashkent City Soviet had granted the Baptist congregation a new plot of land where the new prayer house was built. An electric organ and amplifier system had been recently purchased. The Americans summed it up like this: "A

prayer house like any Presbyterian or Baptist church in a Southern town."

The synagogue was next on the list. We went there the following morning, on a Saturday. At first, the Americans could not make up their minds whether they wanted to go to the one where service was held in Ashkenazi (East European) Hebrew, or to the synagogue where descendants of the Bokhara Jews worshipped.

They finally settled on the Ashkenazim. Baruch Vinnitsky, head of the congregation, and several of its members, met us: in front of the synagogue. We struck up a conversation. Vinnitsky singled out Jack Landau as the most inquisitive of the Americans and addressed him in Hebrew and Yiddish. Mr. Landau spoke neither.

The talk held many surprises for the Americans: Vinnitsky's account of how after the earthquake the City Soviet had offered the congregation a choice of several buildings for the synagogue; the 50 tons of flour allotted by the city for Passover matzos; the fact that Jewish believers and nonbelievers live and work side by side with all others in Tashkent and suffer no discrimination.

I sometimes think that when foreign visitors attend church services in our country, when they talk to believers and ask questions about guarantees of religious freedom, they expect to see or hear something extraordinary. When the sensational fails to materialize, they are nonplussed. The disappointment is most likely due to the fact that many of them, although not regular churchgoers at home, have been told by the press that attending a church service in the Soviet Union was fraught with danger, that the rights of believers were infringed, and that all believers were, in the words of a recent and widely publicized ecclesiastical document, "second-rate citizens".

Then it turned out that everything is rather ordinary. Those who want to believe are believers, those who do not are atheists. A believer goes to church if he wants to and generally acts according to his beliefs. Nonbelievers are used to it. Life goes on without affecting the believer, the congregation or the church. Freedom of conscience, proclaimed in the USSR Constitution, is guaranteed, among other things, by the fact that it is commonplace and everyday.

I have observed it many times near the Roman Catholic church in the Lithuanian town of Palanga (earlier I have described my 1979 summer vacation there). A small choir sang hymns there during Sunday services. *Te Laudamus* evoked religious feelings in the faithful. Some simply enjoyed the singing. Across the street stands a monument to soldiers who had been killed during the liberation of Lithuania from the nazis. On their way to church, many Lithuanian Catholics laid flowers at the foot of the monument, paying homage to M. Volkov and G. Zykov, Russians; F. Gerasimenko, Ukrainian; V. Burshtein, Jew; and many other Soviet officers and men who had died in October 1944 for the freedom of Lithuania, the Soviet Union, and the world.

Cardinal Slipy Blesses Little Matvey

Regrettably, the massive campaign, which escalates to peak intensity at the time of military budget debates, NATO sessions and other undertakings aimed against detente, does affect some of the public in the West. Constantly repeated clichés leave an unavoidable imprint.

It must be this constant pressure that explains why some liberal bourgeois intellectuals become actively involved in the campaign.

We believe that they are seriously concerned with the system of human rights violations in their own countries. Gullible and knowing little about existing socialism, they allow themselves to be drawn into slander campaigns and sign various declarations and manifestos drafted by experts in psychology manipulation.

Sometimes people one expects to be objective are clearly unwilling to examine the problem dispassionately and to understand the true situation in the Soviet Union and other socialist countries.

Although each of the various groups opposing socialism has its own specific goals, they have all jumped on the human rights bandwagon. West European Maoists and left extremists band with the Chilean military junta in a common bid to "expose" human rights violations in the USSR.

The "struggle for human rights" has united various political personalities who preach long-discredited and long-dead causes, and try to disguise their anti-communism with pseudohumanitarian appeals. Taking part in this broad ideological campaign are Munich-based emigrés, Zionist organizations, and even a handful of Social Democratic leaders from the pre-1940 Baltic states. (Incidentally, the more realistic leaders of the Socialist International would dearly love to be rid of them).

Blind hatred of the Soviet Union makes strange bedfellows. The November 28, 1977 issue of the Italian *Il Tempo* published a curious photograph: a smiling grey-haired old man in a miter patting a boy of about four. The saccharine caption reads: "Cardinal Josyf Slipy affectionately patting little Matvey, grandson of Andrei Sakharov."¹⁰¹

Who is Cardinal Slipy? During the nazi occupation of Lvov this former head of the Uniate Church blessed the formation of *Nachtigal*, an SS Sonderkommando of Ukrainian nationalist traitors. Among other things, *Nachtigal* was responsible for the extermination of the Lvov ghetto. Today, Slipy has found refuge at the Vatican where he is known for his unchristian hatred of the Soviet Union.

Another detail is that, contrary to the caption, little Matvey is not Andrei Sakharov's but his present wife's grandson. The boy's name is Yankelevich. The caption should read: "Slipy, whose hands are stained with the blood of Jews from the Lvov ghetto, blesses little Matvey Yankelevich." Matvey's parents—Tatiana Yankelevich (Yelena Bonner's daughter) and her husband—were obviously looking for cheap publicity when they brought their son to be blessed by this man.

The architects of the misinformation campaign use both the old tricks of psychological warfare, and specially devised methods to whip up hysteria over the issue of human rights in the socialist countries.

Together with the subversive Munich radio stations of scandalous repute, special "private" stations are polluting the air (for example, the Voice of the Martyr). Periodicals that traditionally disseminate sensationalist fabrications are joined by sheets specializing exclusively in slander (like *Catacombs of the East* published by a certain Irene de Monbrison).

In recent years a peculiar feature of the campaign has been that anti-Soviet propaganda manufactured by Western intelligence services is offered to the handful of dissidents in the Soviet Union, who reproduce it, and then send it to the West as *samizdat*. The aim is to create the impression of some "underground", "free", "unofficial" press in the Soviet Union. These materials are often presented as documentary evidence to substantiate anti-Soviet inventions.

The Research Department of Radio Liberty in Munich has recently announced that it maintains the *Samizdat Archives*, the most complete collection of *samizdat* material, and that these documents are distributed to eight repository libraries. Although it is claimed that these documents have been received from the Soviet Union, many have not even traveled the Munich—USSR—Munich route. They have been manufactured in the psychological warfare centers in Munich and are simply circulated from one department of Radio Liberty to another.

Boomerang

The use of the human rights issue as a weapon of psychological warfare has yielded little or no profit to the initiators of the campaign.

By now it has evidently boomeranged. World public opinion doubted the moral right of the United States Administration to lecture others, and rejected its claim to interference in the internal affairs of other (especially socialist) countries. Significantly, opinion polls in the United States confirm that Americans do not support President Carter's human rights crusade. As Clayton Fritchey of *The Washington Post* observed, "if the White House had studied a recent national poll, it would have learned that two of three Americans want an arms limitation agreement with Russia, while a majority are against lecturing Moscow on human rights".¹⁰²

The American public is again turning its attention not only to the fact that many basic socio-economic elements of decent human existence are not guaranteed in the United States, but also to the systematic and gross violations of political and civil

rights there. Life in the United States brings daily reminders of the close interrelation between racial discrimination and political repression. Hence the name *National Alliance Against Racist and Political Repression* chosen by the organization of staunch fighters against political oppression, violence and racism in the United States. The Alliance, headed by Rev. Ben Chavis, Angela Davis, Abe Feinglass, Rev. David Garcia, and other courageous Americans, enjoys broad popular support.

Professional lawyers the world over were shocked by the results of the investigation of the actually legalized use of CN gas (chloracetophenone) and CS gas (orthochlorobenzal malonitrile) to discipline inmates in US prisons.¹⁰³

Americans got to hear about a special psychiatric department in the St. Elizabeth's Hospital, the biggest in Washington. The department, known as the "White House ward", is for patients committed on the orders of the United States Secret Service.

What about the special training program in the United States for torturers and other "technical specialists" from Pinochet's repressive agencies? In US Congress lingo these are referred to as "special support relations".

Information leaks about wire-tapping, police surveillance and other forms of spying on citizens triggered a nationwide outcry. In September 1978 the National Organizational Conference of the Campaign to Stop Government Surveillance was held at Ann Arbor, Michigan.

This explains why demands are often heard that the US Administration should put its own house in order before lecturing others. As William Raspberry stressed in the *Los Angeles Times*, "human rights, after all, don't begin at the water's edge".¹⁰⁴

Still, despite this boomerang effect, it is unlikely that anti-communist strategists will abandon the human rights issue. There are indications that the problem of human rights and democracy will retain its role in ideological warfare for some time.

A more flexible and subtle approach to the human rights issue is now being devised (primarily, in the United States). The latest updated recommendations concerning the US "global" role in the human rights field are typical. They stress the propaganda aspect of the human rights issue as an integral part of

official US foreign policy. As to practical steps, they recommend greater use of non-governmental channels—Amnesty International, the World Jewish Congress and similar organizations. Caution is recommended in providing them with “substantial resources” and government support”, so that “these organizations are not viewed as tools of the United States”.

Prostituting the human rights question, using the issue of democracy to provoke political confrontation and to manipulate public opinion, only poisons the climate of international cooperation and detente.

The world public should be objective, informed and resolute in exposing the enemies of peace and detente.

IN LIEU OF AN AFTERWORD

Much more could have been added and discussed. And I am convinced that the discussion will be taken up again. I have tried to avoid creating the impression that what I have said is final. To a certain degree, any discussion is always subjective. So is much of what I have said in this book. I am stressing this point because all too often anything written by a Soviet author is presented in the West as official, or at least as toeing the official line.

There is another reason why I think that discussion should be continued. The issue of human rights is not a short-lived campaign, and we do not shape our approach to it by transient political interests. Human rights are inscribed on the banner of socialism and will always remain there.

I would consider my task fulfilled if my readers grasped a fundamentally important feature of the social and state structure of the Soviet Union: its dynamic development.

The Soviet political system is a vigorous organism in a state of constant evolution. Here lies its potential for further development.

The system of human rights and freedoms in the Soviet Union is also evolving. Despite the great progress achieved in this field, there is still room for further improvement. The 1977 Constitution of the USSR extended the list of formalized basic rights, enriched their content, improved the definition of their practical guarantees, and strengthened their legal safeguards.

Further steady growth of the socialist economy, improvement of the material and spiritual conditions for personal freedom, will no doubt augment the constitutionally proclaimed rights of citizens.

Although human rights in the USSR are guaranteed, individual violations are of course possible. Government bodies can sometimes make mistakes, officials can sometimes abuse their

mandate and violate citizens' rights. This means that further improvement of the legal mechanism to restore justice and eliminate any violation is an important element of exercising human rights. Prevention is even more important. Both these factors are the result of the constructive and continuous improvement of the overall political system of the Soviet Union, a sign of its maturity.

Some of my readers will, I hope, accept my view. Others will be skeptical and ready to argue. I will respect any opinion on the issues covered in this book.

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In his book, Simon Zim explains, as it were, the dimensions of those pressing problems of human rights which interest the western public. He combines each one of several theoretical approaches with an account of his personal experience and dealings with an opponent in debate and discussion.